

MARCUS
TULLIUS
CICERO

ON THE
REPUBLIC
› AND ‹
ON THE
LAWS

TRANSLATED WITH
INTRODUCTION, NOTES,
AND INDEXES BY
DAVID FOTT

MARCUS TULLIUS CICERO

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and
On the Laws

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On the Republic
and
On the Laws

Introduction

Marcus Tullius Cicero is widely respected today as one of the two greatest orators (along with Demosthenes) of the ancient world and a brilliant advocate in legal cases. Many people hail him as a statesman who, while holding the highest office of the Roman Republic, saved Rome from the conspiracy of the ruthless politician Catiline. But Cicero is not nearly so renowned as a philosopher, despite the fact that one of his works, *On Duties* (*De officiis*), became a textbook of moral philosophy for centuries. Over the years many scholars have regarded him not as a philosopher at all but rather as a source of information about the philosophical schools of his day, so they have been primarily concerned with the sources from which they believe he must have taken his material. In the political parlance of today, those scholars are Cicero's "handlers"—advisers who want to see nothing original from their man but instead insist that he stick to his script, his philosophical sources. Because this volume is a translation and not a monograph, it is easier for me to make the handlers step aside so that I may follow this principle: Let Cicero be Cicero. If I accomplish that goal, you will see not only a politician who can think for himself, not merely an orator for the ages, but also a political philosopher of considerable merit.

The primary obstacle to accomplishing that goal is that both of Cicero's works in this volume have come down to us in fragmentary condition. Of the first, *On the Republic* (*De re publica*), about one-fourth of the manuscript survives. Cicero does not list the second, *On the Laws* (*De legibus*), among his published works—an indication that he never completed it—and we probably do not have the end of what he did complete (for the list see Cicero, *On Divination* 2.1–4). Nevertheless, it makes sense to unite these works because they are Cicero's two most important writings on politics and government, and because the *Laws* refers to the *Republic* and hence sheds light on it.

Cicero claims adherence to the philosophical school known as the Academy, which was founded by Plato and which, over the years, usually tried to take its bearings from the life of Socrates. For Socrates, who wrote no philosophical treatise or dialogue that we know of, philosophy was not a doctrine advanced by a school or a set of fixed conclusions; it was a way of life, the pursuit of wisdom. That Cicero understands philosophy in this way is further supported by his claims that he has pursued philosophy from his youth and that “I have philosophized the most when I have least seemed to be doing so” (Cicero, *On the Nature of the Gods* 1.6).¹ That remark is an obvious reference to the long periods of his life spent as a politician and an advocate. It suggests that he sees philosophy as a continuous pursuit that does not require the constant reading and writing of philosophical works.

One manifestation of Cicero’s admiration for Socrates and Plato is the dialogic form of the *Republic* and the *Laws*. As Cicero learned from Plato, writing a dialogue allows an author to explore the strengths and weaknesses of arguments without taking a definite stand. For the most part, at least in the *Republic*, Cicero does not speak to us directly: he is not a character in the dialogue, and he writes in his own voice only in the prefaces to books 1, 3, and 5. In the *Laws* Cicero is one of three participants in the conversation, but we should not assume that the statements of Cicero the character simply reflect the views of Cicero the author. Another benefit of the dialogue is that it mimics life, because to grasp the full meaning of what is happening the reader must be sensitive to the details: the time and place of the conversation as well as the characteristics of the speakers. In short, the dialogue has significant advantages over the treatise in helping readers to think for themselves. If, in the remainder of this introduction, I occasionally raise a question without answering it, it will be in keeping with that goal.

On the Republic

The *Republic* claims to report a conversation among Romans that occurred over three days (two books for each day) during a holiday in 129 BCE. The holiday is a respite from a political crisis: Only four years earlier, Tiberius Gracchus, tribune of the plebeians, passed a law to redistribute land to the poor, in the process ignoring the senate’s traditional role in lawmaking. When he took the unprecedented step of seeking

¹Throughout this book, references to Cicero’s works include numbers for book (i.e., main division) and section (the section of the Latin text as divided by arabic numerals, not roman numerals), separated by a period.

reelection to avoid a charge of treason, and when a consul refused to stop him from doing so, a mob of senators and their clients killed him. That episode marked the beginning of a violent period that enveloped Gracchus's brother Gaius and saw his murder in 121 BCE after he had instigated a variety of popular and aristocratic reforms. It was in this era, Cicero seems to think, that Rome's republican constitution—which was unwritten, hence the importance of custom and precedent—became endangered.

The setting of the dialogue is the estate of the former consul and military hero Scipio Aemilianus, just outside the boundary of Rome, where he is spending the holiday. As Plato's *Republic* is a conversation about justice and other political matters among people at leisure, so is Cicero's. But Cicero announces from the beginning that he is no mere imitator of Plato by delivering a preface in which he questions the desirability of leisure; in other words, he questions the precondition of his own dialogue (*Rep.* 1.1–13).² In doing so, he raises the question of whether the best way of life is practical (political) or theoretical (contemplative).

Cicero knows that many or even most of his readers will have heard of Epicurean philosophy, which taught that avoidance of public affairs was the best way to lead a life of moderated pleasure. Thus he tries to show the necessity of a concern with public affairs by contrasting the activity of political leaders with that of philosophers. Although it may seem that he is attacking philosophy in general, he affirms that there are some philosophers who perform a public service through their writings about political things (*Rep.* 1.12). Cicero has not yet settled the question of the best way of life because he knows that he has made controversial assertions: especially the claims that the highest use of virtue is found in government and that political leaders are superior in wisdom to apolitical philosophers.

Once the dialogue commences, Scipio takes the lead. Cicero chooses Scipio as the main character because he sees Scipio's life as an admirable combination of practical and intellectual achievements. Scipio, therefore, is apparently someone who can speak about Rome with both political experience and philosophical awareness. The historical record does not allow us to confirm or reject Cicero's judgment about the latter, but Scipio did know the Greek historian Polybius, the Stoic philosopher Panaetius, and the Roman poet Terence. Scipio's supposed combination of accomplishments is well suited for provoking readers to further reflection on the best way of life: Scipio initially dismisses discussion of

²Throughout this book, *Rep.* stands for *On the Republic*, and *Leg.* stands for *On the Laws*, followed by book and section numbers.

the supposedly theoretical subject of an alleged second sun, but both his characterization of the subject and his attitude toward discussing it change over a short time (*Rep.* 1.15–28). When he invokes natural law in claiming that an object legitimately belongs to one who knows how to use it, he may seem to be speaking merely of practical knowledge (*Rep.* 1.27).³ But what is required to know how to use an object? Is not some theoretical reflection necessary on the purpose of human life so that one may know how that object fits in the scheme of human life? It is clear from book 6 that Scipio thinks this reflection is necessary. Yet even as he recommends a simple life devoted to learning in book 1, he does not deny that public service is a necessary concern.

The tension between theory and practice is also at the heart of the first exchange between Lucius Furius Philus, renowned for intellectual and moral virtue, and Gaius Laelius, a famous lawyer who studied philosophy under the Stoics. Mindful of Rome's political turmoil, Laelius's initial reaction to mention of the second sun is to favor examination of strictly political matters instead (*Rep.* 1.19). Philus, however, prompts his change of mind by introducing the Stoic notion of the cosmopolis, the universe as one political community governed by a god. According to that conception, questions about the workings of the universe are relevant to public life. But Laelius soon reasserts his determination to be practical as he urges his colleagues to decide on the best form of a city or republic and then use that form to explain the current political situation (*Rep.* 1.33).

Scipio begins that process by defining a republic (*res publica*) as something belonging to a people (*res populi*), and a people (*populus*) as "an assemblage of a multitude united in agreement about right [i.e., justice] and in the sharing of advantage" (*Rep.* 1.39). The cause of the republic, he agrees with Aristotle, is humans' natural sociality: humans need one another in order to live well. His definition says nothing about the form of rulership—or even (for the time being) whether the republic is good or bad (since a people may be united by a mistaken view of justice). Almost immediately, though, he begins to narrow the account by asserting that every republic "must be ruled by a kind of deliberation so that it may be long lasting" (*Rep.* 1.41). The implicit opposite of deliberation is the whim of one person or more than one. Here Cicero follows a tradition beginning with democracy in ancient Greece and continuing to modern liberalism in at least some of its forms. Modern doctrines of representation, separation of powers, and checks and balances help to promote

³In that account of natural law we see Cicero's ability to engage in radical questioning—in this case, of conventional private property. Critics who consider Cicero a reactionary defender of the wealthy should bear that in mind.

deliberate decision-making among leaders. Cicero differs, however, in not making deliberation a feature unique to democracy.

Scipio and Aristotle also agree that among desirable forms of government, the three simple forms are the rule of the one, the few, and the many. But each simple form has a tendency toward faults; and because the almost divine ability required to prevent those faults cannot be expected, Scipio begins to argue that a mixture of the simple forms is best (*Rep.* 1.45).

Laelius interrupts that movement in the conversation by requesting that Scipio give the arguments for the simple forms (*Rep.* 1.46). The case for the rule of the many involves the principle of freedom—in the collective sense of public deliberation, not in the modern sense of the private rights of individuals. Moreover, “concord is easiest in a republic, where the same thing brings all persons together,” while “discords originate in differences in advantage, when one thing is not expedient to all persons together” (*Rep.* 1.49). Scipio proceeds to stress the importance of equality under law for democracy, but apparently “differences in advantage” eventually produce inequality under law. Is it not true, however, that differences in expediency among humans are almost as common as differences among humans? Concord in a democracy, then, would not be so easy to maintain.

The arguments for the rule of the few distinguish between the unjust claims of wealth and the just claims of virtue (*Rep.* 1.51–53). But if we admit that virtue should be the criterion, why should we not select the single most virtuous person? The answer seems to be that one person cannot embrace all the virtues necessary to rule. The deficiency of monarchy is especially noticeable in the business of instituting plans, where reliance on one ruler is likely to result in “feebleness” (*Rep.* 1.52). Aristocracy is a mean between that feebleness and the “rashness” of democracy. Aristocrats claim that the people is happiest when it is “without any care and reflection,” but Scipio’s own earlier assessment (*Rep.* 1.43) indicates that he disagrees.

Scipio’s case for monarchy is noteworthy for the way in which he leads Laelius through those arguments and toward the case for the mixed regime—perhaps not with foresight of the course of the entire discussion, but cleverly nonetheless. Scipio must begin by making Laelius see the relation of religion to public affairs (*Rep.* 1.56). Then he must overcome Laelius’s resistance to the authority of earlier Romans by invoking the structure of the human soul (*Rep.* 1.58–60). When Laelius changes tack, Scipio must appeal to Laelius’s personal pride (*Rep.* 1.61). When that appeal does not fully succeed, Scipio begins to make arguments for monarchy that also proceed indirectly in his desired direction of the mixed regime (*Rep.* 1.62–63). Moreover, he emphasizes that the rule of

one, in the form of the dictatorship, has popular appeal in Rome, even after the demise of the kingdom (*Rep.* 1.63), yet also that the people is certainly capable of overthrowing a just ruler (*Rep.* 1.65–66). It is better, therefore, to rely on the “equality” and “firmness” of the mixed constitution (*Rep.* 1.69).

Scipio could have provided a theoretical description of the mixed constitution without discussing Roman history. He could have used, he says, “the image of nature” (*Rep.* 2.66). Unfortunately that tantalizing phrase is followed by a lacuna, so we are left to try to discern its meaning ourselves. Perhaps we may approximate it by remarking that Scipio could have followed Socrates’s method of constructing a “city in speech” in Plato’s *Republic*. Scipio’s failure to observe that method does not indicate a total rejection of Plato, however, for he pays the *Republic* the great compliments of saying that the meaning of political things may be examined in it and that he follows Plato’s reasoning in his own treatment (*Rep.* 2.52). Perhaps we may infer that illustrating the mixed constitution is not Cicero’s only purpose in writing book 2 as he did.

To mention one other purpose, if Scipio had duplicated Socrates’s method, his audience could not have weighed the merits of Cato the Elder’s important argument that Rome excelled other republics in being the product of men’s cumulative efforts over centuries, instead of a single founder’s accomplishment (*Rep.* 2.2). Scipio stresses the strength and fierceness of the first king, Romulus, including the seizure of the Sabine maidens to provide wives for the early Roman men (*Rep.* 2.4, 12–15). The second king, Numa Pompilius, balanced that bellicosity by developing agriculture and religion (and to a lesser extent by instituting marketplaces and games) (*Rep.* 2.25–27). Numa was a foreigner; but according to Scipio, Romans improved on their imported practices, and as a result Rome progressed along a natural course (*Rep.* 2.30). Building on the achievements of the first two kings, Tullus Hostilius established a law (which Scipio seems to approve of) that a war had to be declared in order to be just, thereby reflecting a concern with the opinions of other political actors, domestic and foreign (*Rep.* 2.31). Even more does it serve the elaboration of the mixed constitution for Scipio to note that each of the first six kings relied on the authority of others: Romulus on the deliberation of a protean senate, the next five kings on the sanction of an assembly for their power (*Rep.* 2.14, 25, 31, 33, 35, 38). Servius Tullius, the most farsighted king according to Laelius and Scipio, relieved debtors with his own money but also created an assembly that gave power to the rich and avoided majority rule—the latter being a necessary step for a republic, Scipio argues (*Rep.* 2.37–40). After the last king was overthrown, the establishment of the consulship enabled Rome to retain a monarchical element, but the circumstances in which it happened led the early

consuls to support the freedom of widespread public participation in political affairs, while the senate became the guiding force (*Rep.* 2.53–56). The mixed constitution was taking shape.

With many plebeians in debt, “the nature of things itself compelled” them to secede from the city—perhaps an unreasonable action, Scipio says, but “the nature of republics itself often overcomes reason” (*Rep.* 2.57). From book 1 we have been cautioned not to expect major political events to come in a predictable pattern, with one of the simple regimes inevitably following another. Here is another reason for Scipio to pursue a historical approach to the best regime, as opposed to Socrates’s ahistorical one: to show the messiness inherent in the creation of even the best regime. But that difference between the two men should not obscure a deeper similarity: Scipio quietly admits that part of his account consists of fables (*Rep.* 2.4), and he does not protest Laelius’s accusation that he falsely credited Romulus’s acumen in selecting a site for Rome when chance or necessity was the actual cause (*Rep.* 2.22).

As far as we can tell (there is a large lacuna in *Rep.* 2.63), Scipio’s history ends after the overcoming of the major threat to the mixed constitution that was posed by the corrupt decemvirate in 449 BCE. The Stoic student Quintus Tubero wants to know how the best republic can be preserved by laws, customs, and training (*Rep.* 2.64). Before answering that question, however, Scipio says that an explicit treatment must be given of more fundamental questions: whether a republic can exist with injustice, and whether it requires the highest justice (*Rep.* 2.70). Students of Roman history will know that these questions have already been raised implicitly by what Scipio has omitted from his historical account, as well as explicitly by what he has included in it. To give just one example of the former, he does not mention Romulus’s murder of his brother and rival Remus—the legendary act that enabled Romulus to become the first king of Rome. One could infer that injustice is necessary in the founding of a just regime, that perfect justice is impossible. Recall Scipio’s observation that “the nature of republics itself often overcomes reason.”

With two philosophical questions on the agenda, what we have of Cicero’s preface to book 3 suggests a more philosophical approach than what we have seen so far: Cicero mentions a concern with number, “the one unchangeable, eternal thing,” as a remarkable fact about humans (*Rep.* 3.2). Moreover, it is not so clear here that political leaders deserve the first prize for wisdom that Cicero awarded them in book 1 (*Rep.* 3.4). The heart of book 3 consists of the contrary speeches of Philus and Laelius in defense of injustice and justice respectively. Those speeches partly imitate two speeches given by the Academic skeptic Carneades in Rome in 155 BCE, in which he argued successively for justice and injustice. Philus prompts us to consider the meaning of nature with his claim that if

justice were natural, it would be the same for all people, yet people have extremely different views of justice (*Rep.* 3.8–11). But how sound is that argument? Does the existence of disagreement about justice prove that no view is true, or is it possible that some people may live in error, perhaps for a long time, about what is naturally just?

Philus ranks wisdom ahead of justice, but Laelius will not cede the territory of wisdom to him. To pay attention to the mind, Laelius argues, is to discern a natural hierarchy of mind over body, reason over lust, and ultimately god over man; respect for that hierarchy will lead a person to recognize the law of nature (*Rep.* 3.21–22, 27). The reader should consider whether Laelius's account of natural law is compatible with Scipio's in book 1, as well as how Laelius's definition of a just war differs from Scipio's in book 2 (*Rep.* 3.24–26).

Book 4 is highly fragmentary, but we can observe the following developments: Some character (which one is unclear) sees the need to reassert that the cause of the formation of political communities is living well, not merely the prevention of harm, after Philus had called that into question (contrast *Rep.* 3.17 with 1.39 and 4.1). Tubero has his question addressed from the end of book 2 concerning how to preserve the best republic. Scipio wants Romans to have sterner morals than those of the Greeks, which are reflected in Greek licentiousness concerning gymnastics and poetry (especially comedy) (*Rep.* 4.2a, 20a–23).

In book 5 (even more fragmentary than book 4) Cicero returns to the subject of the guide, which had been previously addressed (*Rep.* 2.51, 67, 69; 3.3). Although Cicero sometimes seems to suggest that he will be a ruler, there is no conclusive evidence that a monarch is intended, or even a single office. The guide must have moral virtue, prudence (see also *Rep.* 6.1), and wisdom. He must be able to shape people's opinions through institutions and training, using shame at least as much as fear. Scipio had compared that ability to the guide's facility at directing a wild beast "wherever he wants" (*Rep.* 2.67), but the mixed constitution and the requirement of goodness should prevent tyranny from forming. The guide should "call others to the emulation of himself" by being a "mirror" to them (*Rep.* 2.69); that is in keeping with the classical view that the rulers' way of life helps to determine how citizens act. In the same section of book 2, Scipio had also mentioned the guide's duty of continual self-instruction and self-awareness, which are traditionally associated with philosophers. The emphasis in book 5 is different but does not contradict the teaching in book 2: here Scipio insists that the guide refocus his attention from the pleasure of learning to practical accomplishments that will leave him little or no time for reading and writing (*Rep.* 5.4). Nevertheless his learning must be deep because he must be more familiar with the ultimate sources of justice and laws than with civil justice and laws.

The section on Scipio's dream in book 6 begins with his assertions that "for wise men the consciousness of extraordinary deeds is itself the amplest reward for virtue," yet "divine virtue" wants to have more lasting rewards (*Rep.* 6.12). Apparently the person with the highest virtue wants more than to be distinguished among other people. While Scipio is asleep, his adoptive grandfather, Publius Cornelius Scipio Africanus, tells him what that reward is—eternal life—and that managing one's fatherland is the way to attain that goal (*Rep.* 6.17). Up to that point, the dream supports Cicero's earlier claim for the superiority of the practical life over the theoretical. But when an apparition of Scipio's natural father, Lucius Aemilius Paullus, puts the earth in cosmological perspective, shows him the harmony of the spheres, and makes him discontented with empire, the dream seems to support the superiority of the theoretical life (*Rep.* 6.20–23). The reader should consider whether Africanus's second speech (*Rep.* 6.24–33) effects a coherent synthesis of the two views, especially concerning the question of whether glory is desirable (contrast *Rep.* 1.27, 60 and 6.27–29 with 5.2).

Despite the fragmentary state of the *Republic*, it is apparent that Cicero succeeds in raising a number of important philosophical questions, both through direct discussion among characters and through statements over the course of the dialogue. He dispatches the Epicurean antipathy to public life while teaching the reader that the claim for the superiority of the apolitical life may have considerable merit (even if not in the Epicurean term of pleasure). He treats the Stoic position with the subtlety that it deserves: illuminating Laelius's character through discussion with Scipio is the best way to explain that the Stoics' devotion to theoretical purity can overwhelm their concern to eliminate injustice. As the dialogue develops, Cicero manages to promote both concern for public affairs in general and dedication to the particular form of the Roman Republic.

On the Laws

The *Laws* presents a dialogue among Cicero and two other men he knew very well. His younger brother, Quintus Tullius Cicero, held high political office and served as legate with Pompey and later with Caesar, before joining forces with Pompey against Caesar. He was also a poet and a tragedian. Titus Pomponius Atticus was probably Marcus's closest friend, a knight of inherited wealth who enjoyed good relations with both sides in Rome's different civil disputes by remaining aloof from politics. His thinking was Epicurean, and his scholarship (on genealogy) apolitical.

The conversation is purportedly contemporaneous with Cicero's beginning to write it, in the late 50s. The scene is Cicero's villa in his hometown of Arpinum, which figures in the discussion (*Leg.* 1.1–4; 2.1–6). Quintus contrasts an observed oak tree with the oak tree mentioned in Marcus's poem about his fellow townsman Gaius Marius: the poetic tree could correspond to the observed tree, but the former lives longer because it comes from an intellect. Marcus cautions Atticus not to inquire too closely into the correspondence, and the reader is led to ponder whether historical truth (at least insofar as long-standing traditions are concerned) can be fully separated from poetic delight (*Leg.* 1.5). Marcus will not grant Atticus's and Quintus's request to write a history of Rome, but he is willing to tackle civil law, although he considers most of it trivial (*Leg.* 1.14).

To understand civil law, Marcus maintains, we must understand the nature of law—the Latin for “law” here, *ius*, can also mean “right” (in the sense of what is right, not necessarily a right held by an individual person) or “justice”—and to understand the nature of law we must work our way back to a knowledge of human nature (*Leg.* 1.17). Marcus presents his definition of law in qualified agreement with “highly educated men” (*Leg.* 1.18). Law is “highest reason, implanted in nature,” which commands and prohibits actions. It can also be viewed as fully developed reason in the human mind. It bears contemplating the relation between those two senses of law mentioned in that confusing passage, but we must remember that Marcus is speaking in ordinary terms for the sake of “strengthening republics” (*Leg.* 1.19, 37; quotation from the latter). After securing Atticus's concession that gods rule all of nature (*Leg.* 1.21), Marcus makes another beginning: he moves from the identification of reason as the aspect of human nature enabling fellowship between gods and humans (*Leg.* 1.22–23) to an account of how reason came to be in the human soul, an explanation that relies on the agency of both gods and nature (*Leg.* 1.24–27). The conclusion, that nature has equipped us for justice (*Leg.* 1.28), is supposedly clinched by a description of the similarity of humans to one another (including a remarkable analysis of friendship) and of nations to one another, which Marcus says serves as “a fortification prior to the rest of our conversation” (*Leg.* 1.29–35; quotation from 1.34). Does “fortification” necessarily imply the truth of the account?

The contest to strengthen republics continues (*Leg.* 1.37–39). Marcus's allies are the Stoics, the Old (i.e., more doctrinaire) Academics, and the Peripatetics; his enemies are the Epicureans, for the reason we saw in the *Republic*. The New Academics are more difficult to classify. Marcus sees them as potentially destructive, but he wants “to appease” them, so he merely asks them to be silent (*Leg.* 1.39). With the battle lines thus drawn,

he makes yet another start by refuting human punishment, advantage, and human law as possible bases of justice (*Leg.* 1.40–42). The conclusions of this argument are that virtue (and justice is among the virtues) is perfected reason, and that it is the same for all humans because its standard is nature (*Leg.* 1.42–46). If justice and the other virtues should not be sought for the sake of advantage, as Marcus reiterates (*Leg.* 1.48–52), should we infer that they are ends in themselves? Marcus recognizes that this question of the ultimate moral end is controversial, but he and Quintus agree that it is irrelevant for their present purpose (*Leg.* 1.52–57).

Civil laws, which promote the virtues, are not great “unless the things from which they flow are very distinguished” (*Leg.* 1.63); in other words, the tributary is subordinate to the source. Those “things from which they flow” pertain to philosophy, and Marcus makes that assertion at the end of a long encomium to philosophy (*Leg.* 1.58–63), “which has made me who I am” (*Leg.* 1.63). His understanding of philosophy is from the Greeks—he includes the famous injunction “to know oneself” (*Leg.* 1.58) and the three traditional aspects of philosophy (ethics, physics, and logic)—but his presentation of it is political, as physics is said to include the cosmopolis (which is credited with producing self-knowledge), and logic is not recommended without the art of rhetoric as a complement.

Humans’ natural equipment, especially reason, makes philosophy possible, as we saw in book 1. Nature also dominates at the beginning of book 2, as the three men seek a pleasant nearby island, and Marcus refers to Arpinum as his “genuine fatherland” (*Leg.* 2.3). But political considerations again intrude: the adjective “genuine” implies that all townsfolk have a second, adopted fatherland, which Marcus claims should be first in their affection because it encompasses their native towns (*Leg.* 2.5). The succeeding treatment of the nature and importance of law begins with an invocation of Jupiter and the other traditional gods (*Leg.* 2.7) but ends with the thesis that law is “modeled on nature, the most ancient and chief of all things” (*Leg.* 2.13). That thesis conflicts with the traditional belief about the priority of the gods, as Marcus must be aware. The contradiction invites the reader to inquire more deeply, especially about the meaning of nature. The beginning of book 2 may appear to be merely a recapitulation of book 1, but the reader should closely compare them.

The structure of the *Laws*—with discussion of natural law starting in book 1 and continuing in book 2, followed by specific laws on religion in the remainder of book 2 and specific laws on magistrates in book 3—may appear to suggest that Cicero claims a basis in natural law for those specific laws, or even that those laws are themselves natural laws. This introduction is not the place to give a definitive statement on this difficult matter, but the following considerations may prove helpful. On the

one hand, Marcus says that his proposed laws cannot be repealed, but only if Atticus and Quintus accept them (*Leg.* 2.14). Natural law is not thought to require such validation. On the other hand, the best way to explain Marcus's inclusion of unenforceable moral precepts among the laws (e.g., *Leg.* 2.19.1)⁴ may be to hold that they are natural laws.

As Marcus begins to present his laws on religion, he observes the example of Plato's *Laws* by providing a preface on the importance of religion with the goal of enhancing the persuasiveness of what is to follow. But he does not want to imitate Plato so closely that he loses his originality (*Leg.* 2.14–17).

The first key point in Marcus's religious laws is his proposal that expenses for religious ceremonies be lessened (*Leg.* 2.19.1). He gives as a reason that "nothing is going to be less pleasing to the god himself than that the way to appeasing and worshipping him not lie open to all" (*Leg.* 2.25). If natural law—the supposed basis of these laws—is to apply to everyone, then worship of the god must be affordable to all. He also proposes that expense and mourning in funerals be diminished (*Leg.* 2.22.16) and that the collecting of alms be severely limited (*Leg.* 2.22.4); the latter would also serve to counteract superstition (*Leg.* 2.40).

Second, Marcus aims to give more power to priests in keeping with their former status. In Cicero's day the augur's power was limited mainly to canceling elections in extraordinary circumstances. Marcus would reinstate the augury "for the safety of the people," which, as far as we know, the augurs did not perform when this work was written (*Leg.* 2.21.1). Capital punishment would be decreed for those who disobeyed an augur's order (*Leg.* 2.21.6). Marcus would also raise the significance of the *fetiales*, the priests who once represented Rome in its dealings with other nations. He would once again have them "be judges and messengers for treaties and legal armistice" and "make rulings in regard to wars" (*Leg.* 2.21.7). In Marcus's view the functions he would give to the augurs and *fetiales* needed to be performed by officials with unquestioned respect, and these officials had such respect. Because these laws and the others should be deemed to be rooted in natural law, and because natural law has been tied to a theology, Marcus sees no reason to prohibit religious officials from making crucial rulings (see especially *Leg.* 2.22.3, 2.40).

Third, legislation should see to the selection of religious music to promote moderation (*Leg.* 2.22.2). Here Marcus agrees with Plato as to the fundamental importance of music in educating citizens. But he is not so

⁴In citations of the *Laws* throughout this book, a third number following a second period refers to a subsection.

concerned that any change in acceptable music will produce a harmful change in laws (*Leg.* 2.38–39).

Fourth, a practical purpose is clearly evident in the law forbidding consecration of arable land (*Leg.* 2.22.11). Again Plato agreed (*Leg.* 2.45).

A fifth principle in the proposals, more difficult to understand, is the importance of private sacred rites: Marcus declares that such rites should be “perpetual” (*Leg.* 2.22.13). He may well think that the status of religion in public life is insecure unless private citizens maintain their own practices inviolate. Support for that hypothesis can be found in the very first religious law suggested: “Let them approach the gods purely; let them display piety” (*Leg.* 2.19.1; cf. 2.22.8). The emphasis on citizens’ state of mind reflects the apparent primacy he gives, not only to private citizens’ practice of rites, but also to their beliefs. It is noteworthy, however, that he does not linger on pureness of approach, which could invite scrutiny from an inquisitorial government, but moves on to a “display” of piety, which is more readily observable.

Book 3 begins similarly to book 2, with a praise of laws concerning magistrates that features an invocation of the rule of law as well as the need for the prudence of magistrates (*Leg.* 3.1–5). Marcus’s proposals deviate from the actual laws of Rome in several important respects. First, he would strengthen the role of the senate, which he sees as the pivotal institution in the constitution. He would give the senate’s decrees the strength of law—a force that those decrees had come to enjoy by custom, but not legally (*Leg.* 3.10.3). By law the supreme legislative power rested with the two assemblies of the Roman people (*comitia centuriata*, *comitia plebis tributa*). Marcus’s change would bolster the senate but still retain in those assemblies the power to repeal a decree of the senate, because the maintenance of a “moderate and concordant form of the city” depends on a recognition that “there is power in the people and authority in the senate” (*Leg.* 3.28). In other words, popular consent to the laws must not be neglected. The senate would also be given authority over the quaestors, or officials of the treasury (*Leg.* 3.6.5); the power to fix the number of praetors, or judges (*Leg.* 3.8.1); and the power to appoint the dictator, who served for six months (*Leg.* 3.9.2). In the actual republic, the senate’s role regarding the dictator was restricted to authorizing his appointment, and the dictator was then selected by a consul or other high-ranking magistrate.

Second, the office of censor would undergo a radical change. In the later republic there were two censors serving simultaneously for a period of eighteen months every four years; they registered citizens according to property and removed names from the registry in cases of corruption, among other duties. Marcus would have them occupy their office continuously for a term of five years (*Leg.* 3.7.3). Then they would take on

duties performed by their Greek equivalents, the *nomophulakes*: First, they would be “guardian” of the text of the laws, so that public officials would not be solely reliant on copyists for accurately preserving the laws (*Leg.* 3.11.13, 3.46; quotation from the latter). Then, they would judge whether people’s deeds conformed to the laws. Finally, they would hear departing magistrates give an account of their terms, and render preliminary judgment concerning their official conduct; but departing magistrates would still be liable to legal prosecution (*Leg.* 3.11.14, 3.47). Marcus’s innovations indicate that he sees a need for continuous supervision of public morals. He would extend the censors’ concern to public conduct as a way to diminish corruption. Strengthening the office most directly concerned with preserving public morals could be a significant step toward renewing the republic, as well as toward putting teeth in Laelius’s claim that a person who disobeys natural law will undergo great punishments (*Rep.* 3.27).

Third, magistrates would have more force at their disposal under the proposals to revive old laws providing for the punishment of citizens by flogging (*Leg.* 3.6.2) and the prohibition of soldiers’ right to appeal a military commander’s decision to the city of Rome (*Leg.* 3.6.4). It seems that strengthening the republic requires enhancing both the persuasive and the coercive power of the laws.

Fourth and somewhat related, Marcus proposes an important change in voting procedures in the popular assemblies. In his day, votes were cast by secret ballot, as opposed to the voice votes in the older republic. He suggests a compromise, by which the people would retain the ballot but would be obliged to show it to any of the aristocracy who wanted to see it (*Leg.* 3.10.6). In his commentary he summarizes this change: “The power of honorably gratifying respectable men is given to the people. . . . Therefore, my law gives the appearance of freedom; the authority of respectable men is retained; a cause of contention is eliminated” (*Leg.* 3.39). In terms of the significance for the account of natural law, we may compare this proposal to the enhancement of the senate’s power in relation to the popular assemblies (although in that case the assemblies would retain greater actual power). Both proposals reflect the view of natural law presented earlier in the work, according to which “correct reason” is not the equal possession of all human beings. Apparently Marcus does not think that existing Roman law sufficiently reflected that view.

If it is true that Cicero did not finish the *Laws*, we cannot know whether or how much he would have changed its text before deeming it worthy of publication. That it is worthy of careful study in its extant condition is amply demonstrated by one passage: Cicero’s careful wording of his statement on natural law, especially the qualifications therein (*Leg.* 1.18–19). The *Laws* is obviously the result of Cicero’s continual reflections on

the political problems of his times, and it raises questions, still relevant today, about the possible relation of human laws to a higher standard.

A full examination of Cicero's moral and political thought would require attention to all of his philosophical works: his early work on the devising of arguments in rhetoric, *On Invention* (*De inventione*); the trilogy on rhetoric, *On the Orator* (*De oratore*), *Brutus*, and *Orator*; the application of rhetoric, *Paradoxes of the Stoics* (*Paradoxa Stoicorum*); three works on morals, *On the Ends of Good and Bad Things* (*De finibus bonorum et malorum*), *Tusculan Disputations* (*Tusculanae disputationes*), and *On Duties* (*De officiis*); three works on religion, *On the Nature of the Gods* (*De natura deorum*), *On Divination* (*De divinatione*), and *On Fate* (*De fato*); and one work on the possibility of knowledge, *Academic Matters* (*Academica*). These writings do more than serve as a source of information about the thoughts of others; they provide stimuli for reflection on fundamental questions of human life, as they also give evidence of the intellectual life of a man who thought deeply about those questions.

Note on the Text and the Translation

Cicero probably began writing *On the Republic* in the year 54 BCE and probably published it in 51 BCE, before leaving to become governor of the province of Cilicia in Asia Minor. He had originally planned a dialogue of nine books over nine days, featuring Scipio and Scipio's colleagues. After reading drafts of the first two books, a friend suggested that Cicero make himself the main character so that he might treat contemporary events (Cicero, *Letters to His Brother Quintus* 3.5.1–2). Cicero then began to recast the work as a dialogue between his brother Quintus and himself. Later he returned to his original plan, except that the work became six books over three days.

The complete text of the *Republic* disappeared during the later years of the western Roman Empire. Snippets existed in the writings of the church fathers. The end of book 6, called "Scipio's Dream" (*Somnium Scipionis*), was separately preserved (often with the commentary of the Roman scholar Macrobius, who flourished around 400). In 1819 Cardinal Angelo Mai discovered a fourth- or fifth-century copy of the manuscript, amounting to about one-fourth of the work, as a palimpsest in the Vatican Library; a scribe had copied a text of Augustine over it.

Cicero may have begun writing *On the Laws* while he was writing the *Republic*; the *Laws* follows the plan that he considered but rejected for the other work. In the year before his death, when he listed his published philosophical works, he did not include the *Laws* (Cicero, *On Divination* 2.1–4). We have Macrobius's word that there were at least five books (see the second fragment at the end of the *Laws*). The *Laws* has been in circulation at least from around fifteen years after Cicero's death to the present, but transmission of the text suffered during medieval times, and in its current state it is often corrupt. Our earliest manuscripts, from the mid-ninth century, belong to the Leiden corpus and are housed in that city.

This translation is the first to make full use of the latest edition of the Latin texts: *M. Tulli Ciceronis "De re publica," "De legibus," "Cato Maior de senectute," "Laelius de amicitia,"* ed. J. G. F. Powell, Oxford Classical Texts (Oxford: Clarendon Press, 2006). That edition replaces K. Ziegler, ed., *De re publica: Librorum sex quae manserunt*, 7th ed. (Leipzig: Teubner, 1992). Occasionally I have departed from Powell's texts. The existence of many fragments in the *Republic* makes it tempting for a translator to undertake a reconstruction of the text in line with what he thinks Cicero intended; but I have usually avoided such speculation or argument, preferring the solid ground of producing a translation that can be used alongside Powell's excellent scholarship.

Four translations of the *Republic* into English still circulate: those of Clinton Walker Keyes (Loeb Classical Library, originally William Heinemann), Niall Rudd (Oxford University Press), George Holland Sabine and Stanley Barney Smith (originally Ohio State University Press), and James E. G. Zetzel (Cambridge University Press). The editions of Keyes, Rudd, and Zetzel also contain the *Laws*. I have benefited from the labors of all of these scholars, as well as from Zetzel's commentary on parts of the *Republic*, Karl Büchner's commentary on the *Republic*, and Timothy W. Caspar's and Andrew R. Dyck's commentaries on the *Laws*.

To one extent or another, however, each of the four translations gives the reader too much of the translator and too little of Cicero. In keeping with the principle announced at the beginning of the introduction, my animating desire has been for the reader to be able to come to grips with Cicero in the author's own *words* as much as possible. I have tried to enable the reader to study the terms that were important to Cicero as Cicero understood them. Even if the task is endless for the translator and the reader, the effort is nonetheless worthwhile. Thus my method of translation has been to be as literal as is consistent with readable English.

In particular I have tried to use as few synonyms as possible for key terms, including the following.

1. The Latin title *De re publica* (sometimes written *De republica*) contains a form of the word *res*. *Res* has many meanings, including "substance," "property," "concern," and even the general word "thing." Perfect consistency in translating *res* is impossible because to choose one of those meanings is to neglect the others. As an imperfect solution I often translate *res* as "thing." The result may occasionally be awkward English, but at least it allows the reader to come closer to the original Latin than other solutions would do and have done. Both the Latin *res* and the English "thing" are general terms that convey the sense of material and nonmaterial property, as well as the sense of a "concern" or an "affair." Cicero uses *res publica* to translate Plato's and Aristotle's

politeia, which refers to the distribution of power within a city. The phrase *res publica* cannot always be translated as “republic,” but I do so as often as the context permits.

2. The Latin title of the other work in this volume, *De legibus*, contains a form of the word *lex*. The Latin words *lex* and *ius* may both be translated as “law,” but the latter has a broader range of meaning. *Ius* may have the following meanings, among others: (1) right or rightness, in the sense of what is right (akin to the Greek *dikaion*); (2) justice (synonymous with the Latin *iustitia*, akin to the Greek *dikaiosune*; almost identical to the first meaning); (3) law (synonymous with the Latin *lex*, akin to the Greek *nomos*) or regulation; (4) a right to do or have something (for which there is no Greek equivalent but which evolves to assume great significance in modern political philosophy). By means of brackets I indicate instances where *ius* is translated as “law” in sections where *lex* is also used, and I indicate instances where *ius* is translated as “justice” in sections where *iustitia* is also used. Wherever the reader finds the noun “right,” the Latin word so translated is *ius*.

3. The Latin *optimus* (plural *optimi*), when it refers to a person, is translated as “best man” or “excellent man,” while the plural term *optimates* is translated as “aristocrats.” Cicero appears to use the terms synonymously. The English “aristocrat” derives from the Greek *aristokratia*, meaning “rule of the best.”

4. The Latin for “duty,” *officium*, has the primary meaning of “beneficial act” or “service.” I translate it as “duty” because that sense of the word best fits the context. Cicero’s last philosophical work was *De officiis*, usually translated as *On Duties*.

5. The Latin *civitas* is usually translated as “city.” I have avoided the word “state” because it would lead the reader to forget differences between ancient politics, in which the main unit was the city, and the modern system of nation-states. Occasionally I have translated *civitas* as “citizenship” or “political community.”

6. The Latin *virtus* is always translated as the old-fashioned “virtue,” never as the modern “value” with its relativistic connotations. What you and I hold as “values” may differ, but “virtue” has a firmer meaning.

Some of the footnotes treat matters of translation. The index of terms in the back of the book should prove helpful to those who want to follow Cicero’s usage of important words.

I have made one noteworthy concession to readability in the presentation of the *Republic*: I have put the speaker’s name at the beginning of every speech, instead of following Cicero’s use of introductory phrases in reportorial style. English words in brackets, some of which result from

Powell's insertion of words in the Latin text, are intended either to clarify Cicero's words or to explain a lacuna in the text. In places where it will help the reader to see the Latin word for a given translation, I have included it in italics and brackets. A series of three asterisks indicates a lacuna in the text.

I have obtained help with vocabulary from the *Oxford Latin Dictionary* (2nd ed.) and Charlton T. Lewis and Charles Short's *A Latin Dictionary* (the latter often through the Perseus Digital Library), and with historical information from the *Oxford Classical Dictionary* (4th ed.).

Chronology of Cicero's Life

106 BCE	Birth of Marcus Tullius Cicero at Arpinum (January 3)
ca. 102	Brother Quintus born
ca. 93	MTC studies philosophy with Phaedrus the Epicurean in Rome
91–87	MTC writes <i>On Invention</i> (at some point during this period)
90–89	MTC's military service in Social War
88	Sulla's march on Rome and departure to fight Mithradates; flight of Marius
87	Marius's march on Rome; MTC studies with Philo the Academic in Rome
86	Death of Marius
83–81	Sulla's return and dictatorship (82–81)
81	MTC conducts his first legal case (<i>Pro Quinctio</i>)
80	MTC successfully defends Roscius, making his own reputation and tarnishing Sulla's
79?	MTC marries Terentia; daughter Tullia born
79–78	Retirement and death of Sulla
79–77	MTC goes to Athens and Rhodes to study with Antiochus of Ascalon and Posidonius and to recover his health
75	MTC quaestor in Sicily at earliest legal age
70	MTC successfully prosecutes Verres for corruption in Sicily, defeating the preeminent orator Hortensius Hortalus
69	MTC aedile
66	MTC praetor at earliest legal age; start of his public alliance with Pompey
65	Son Marcus born
63	MTC consul; conspiracy of Catiline and execution of conspirators
61	MTC testifies against Clodius in Bona Dea scandal
60	Formation of First Triumvirate (Caesar, Crassus, Pompey)

- 58 Clodius tribune; MTC sent into exile, goes to northern Greece (March)
- 57 MTC's recall from exile (August) and return (September)
- 56 Renewal of First Triumvirate
- 55 MTC writes *On the Orator*
- 54–51 MTC writes *On the Republic*, begins *On the Laws*
- 53 MTC becomes an augur (or 52); MTC frees his slave and secretary Tiro
- 52 Murder of Clodius by Milo
- 51–50 MTC proconsul of Cilicia (July–June); return to Italy November 50
- 49 Start of civil war between Caesar and Pompey; MTC eventually joins Pompey in Greece
- 48 Caesar defeats Pompey at Pharsalus; MTC returns from Epirus to Brundisium
- 47 Caesar permits MTC to return to Rome (July); MTC divorces Terentia (winter 47–46)
- 46 MTC writes *Brutus*, *On the Best Kind of Orator*, *Paradoxes of the Stoics*, and *Orator*; MTC marries and divorces Publilia; Caesar defeats Pompey's forces at Thapsus
- 45 Daughter Tullia dies; MTC writes *Hortensius* and *Consolation* (both lost), *Academic Matters*, *On the Ends of Good and Bad Things*, *Tusculan Disputations*, *On the Nature of the Gods*, and *Cato the Elder on Old Age* (or 44)
- 44 Assassination of Caesar (March 15); MTC writes *On Divination*, *On Fate*, *Laelius on Friendship*, *Topics*, and *On Duties*; MTC delivers first Philippic against Antony (September)
- 43 MTC delivers last Philippic (April); formation of Second Triumvirate (Antony, Lepidus, Octavian) (November); assassination of MTC at Formiae (December 7); brother Quintus also assassinated

Outlines of *On the Republic* and *On the Laws*

On the Republic

1. Defense of involvement in public life (1.1–12)
2. Practical relevance of astronomy (1.15–25)
3. Contemplative study as aid to living (1.26–29)
4. Importance of study of politics (1.30–37)
5. Republic
 - a. Definition (1.38–41)
 - b. Basic forms, their strengths and defects (1.42–64)
 - c. Beneficial and destructive changes (1.65–68)
 - d. Strengths of mixed republic, identified with Rome (1.69–70)
 - e. Contrast of Roman constitution with Greek constitutions (2.1–3)
6. Roman Kingdom
 - a. Romulus and establishment of Rome (2.4–21)
 - b. Numa Pompilius and establishment of religious institutions (2.23–29)
 - c. Tullus Hostilius and military success (2.31)
 - d. Ancus Marcius and expansion of Rome (2.33)
 - e. Lucius Tarquinius Priscus and influx of Greek arts (2.34–36)
 - f. Servius Tullius and creation of oligarchic assembly (2.37–40)
 - g. Rome's mixed but unbalanced constitution during decline of kingdom (2.42–43)
 - h. Lucius Tarquinius Superbus and descent into tyranny (2.44–52)
7. Roman Republic
 - a. Moderation from consuls; effective control by senate (2.53–56)
 - b. Creation of tribunate due to plebeian rebellion (2.57–59)
 - c. Decemvirate (2.61–63)
8. Need for prudent ruler (2.67–69)

9. Need to prove need for justice (2.70)
10. Origins of civilization (3.1–3)
11. Relative merits of study and practice of politics (3.4–5)
12. Defense of injustice (3.7–18)
13. Defense of justice (3.21–34)
14. Dependence of republic on justice for its existence (3.35–36)
15. Appropriate Roman institutions for happy and honorable living, contrasted with Greek institutions and customs (4.1–6, 12, 14, 16–23)
16. Degeneration of Roman customs and men (5.1)
17. Guide of republic and prevention of sedition (5.2–5, 7–9; 6.1–9)
18. Scipio's dream
 - a. Appropriate rewards for virtue (6.12)
 - b. Scipio's sleep after meeting Masinissa (6.13–14)
 - c. Prophecy of Scipio's exploits (6.15–16)
 - d. Duty and eternal blessing of good citizens (6.17–20)
 - e. Structure of universe (6.20–23)
 - f. Limits of human glory, contrasted with eternal glory (6.24–29)
 - g. Immortality of soul (6.30–32)
 - h. Civic duty as best employment of soul (6.33)

On the Laws

1. Difference between poetry and history; need for Roman history to be written (1.1–9)
2. Difference between philosophizing and giving legal advice (1.10–15)
3. Universal law and civil law (1.16–18)
4. Source of law and right in nature; community of gods and humans through reason and law; nature's gifts to humans; similarity of all humans; universality of reason, law, and right; friendship (1.18–35)
5. Appeal of this conversation to various audiences, including philosophical schools (1.36–39)
6. Source of right not to be found in fear of punishment, advantage, or human law or opinion (1.40–47)
7. Desirability of justice and other virtues for their own sake (1.48–52)
8. Digression to consider dispute about ultimate good (1.52–57)
9. Praise of wisdom and philosophy (1.58–63)
10. Natural and civic fatherlands (2.1–6)
11. Need to begin remaining discussion with gods (2.7)
12. Recapitulation of natural law; definition of law (2.8–14)

13. Preface to laws on religion (2.14–18)
14. Laws on religion (2.19–22)
15. Commentary on laws on religion (2.23–69)
16. Preface to laws on magistrates (3.1–5)
17. Laws on magistrates (3.6–11)
18. Commentary on laws on magistrates (3.12–47)
19. Transition to laws on powers of magistrates (3.47–49)
(There is probably more of *On the Laws*, but it is lost.)

On the Republic
(with explanatory notes)

Book 1

[Cicero wrote prefaces in his own voice to books 1, 3, and 5. Most of the preface to book 1 is missing (the missing pages total thirty-four—i.e., seventeen leaves of the discovered manuscript), but we can obtain an indication of Cicero's line of argument from the first fragment: he maintains that the city has a greater claim than our biological parents to our loyalty. The second fragment is just a snippet, but I leave it here because it may refer to the philosophers who reject involvement in public life, to whom Cicero refers afterward.]

Fragments from the Beginning of Book 1

1. Thus, because the fatherland secures more benefits and is an older parent than he who begot, surely a greater gratitude is owed to it than to a parent.¹

2. from which they call away²

[When the text begins after the fragments, Cicero is arguing against those philosophers who reject public life.]

* * * they would [never] have freed [Rome from attack]; nor would Gaius Duilius, Aulus Atilius, and Lucius Metellus have freed [Rome] from the terror of Carthage;³ nor would the two Scipios have

1

¹Nonius Marcellus (hereafter Nonius) 426.8. This is fragment 1a from bk. 1 in Ziegler's text.

²Arusianus Messius 457.14. This is fragment 1d from bk. 1 in Ziegler's text.

³Rome fought three wars, the Punic Wars, against Carthage. The first war, in which Gaius Duilius, Aulus Atilius Caiatinus (or Calatinus), and Lucius Caecilius Metellus won victories, lasted from 264 to 241 BCE. Hereafter all years are BCE unless otherwise indicated or unless

extinguished the rising fire of the Second Punic War with their own blood;⁴ nor, when it was inflamed with greater force, would Quintus Maximus have weakened it or Marcus Marcellus⁵ have crushed it; nor, when it was torn from the gates of this city, would Publius Africanus have driven it within the enemy's walls.⁶ Marcus Cato,⁷ a man unknown and the first in his family to hold high office (by whose pattern all of us who are eager for the same things are led to diligence and virtue), was certainly allowed to take delight in leisure at Tusculum, a healthful, nearby place. But that madman (as these men⁸ think) chose to be tossed about in these waves and storms to an extreme old age—although no necessity compelled him—rather than live most agreeably in that tranquillity and leisure. I omit countless men who were each the salvation of this city; and I leave off mentioning those who are [hardly] far from the memory of this generation, lest someone complain about the omission of himself or one of his own. I make clear this one thing: nature has given to the human race such a necessity for virtue and such a love of defending the common safety that this force will overcome all allurements of pleasure and leisure.

Truly it is not enough to have virtue, as if it were some sort of art, unless you use it. In fact, even if an art can be grasped by knowledge itself without using it, virtue depends wholly upon its use. And its greatest use is the governance of the city and the completion in fact, not in speech, of the same things as these men shout about in corners. For the philosophers say nothing—at least of what may be said correctly⁹ and honorably—that was [not] accomplished and strengthened by those who have configured laws [*ius*] for cities.¹⁰ Whence comes piety, or from whom comes religion? Whence comes either the law of nations [*ius gentium*] or this law [*ius*] that is called civil?¹¹ Whence

2

they are obviously CE. See the index of personal names for more information on persons mentioned by Cicero.

⁴Gnaeus Cornelius Scipio Calvus and his brother Publius Cornelius Scipio (1). The Second Punic War lasted from 218 to 201.

⁵Marcus Claudius Marcellus (1).

⁶Publius Cornelius Scipio Africanus decisively defeated Hannibal at Zama in 202. Hereafter in the notes he will be referred to as Africanus. He should not be confused with the Scipio of this dialogue, to whom Cicero occasionally refers as "Africanus."

⁷Marcus Porcius Cato (1).

⁸I.e., philosophers who reject public life. One such group was the Epicureans, followers of Epicurus, in whose thinking the notion of pleasure was central.

⁹Throughout *Rep.* and *Leg.*, forms of the Latin *rectus* are translated as "correct" or "correctly," not as "right" or "rightly." See *Rep.* 3.27, n. 34.

¹⁰Law is an important subject in both *Rep.* and *Leg.* For the use of the Latin *ius* in brackets, see the note on the text and the translation.

¹¹The *ius gentium* is the law common to all nations. The *ius civile* is Roman private law.

come justice, fidelity, fairness? Whence come a sense of shame, self-control, avoidance of disgrace, desire for praise and for honorableness? Whence comes courage in labors and dangers? Without doubt, from those men who gave form to those things by training and who strengthened some of them by customs and consecrated others by laws. They even report that Xenocrates, an especially noble philosopher, when he was asked what his students attained through him, responded that “they did willingly what they were compelled to do by laws.” Therefore, that citizen who compels of all persons, by official command and by penalty of laws, what philosophers by speech can scarcely persuade a few persons [to do], should be given precedence even over the teachers themselves who debate those things. For what speech of theirs is so refined that it should outrank a city well established by public law [*ius*] and customs? For my part, just as I think that “cities great and commanding,” as Ennius calls them,¹² should be given precedence over little villages and settlements, so I hold that those who are in charge of these cities by judgment and authority should far outrank in wisdom itself those who have no part at all in public business.¹³ And because we are very greatly drawn to increasing the resources of the human race, and we are eager to render human life safer and more prosperous by our judgments and labors, and we are spurred toward this pleasure¹⁴ by the goads of nature itself, let us maintain this course, which has always been that of every excellent man, and let us not listen to the horns¹⁵ sounding the retreat to call back even now those who have already gone ahead.

3

In these reasonings that are so certain and lucid, they are opposed by those who argue to the contrary, at first citing the labors that must be undertaken in defending the republic—certainly a trifling impediment to the vigilant and diligent man, and one that should be scorned not only in such matters but also in ordinary matters, whether studies, duties, or even business. The dangers to life are then mentioned. Those men put a disgraceful dread of death as an obstacle in front of courageous men, who are accustomed to see it as more wretched to be consumed by nature and old age than to be given an occasion to give

4

¹²Ennius, unassigned fragment 21 (citations of Ennius refer to *Remains of Old Latin*, vol. 1, ed. and trans. E. H. Warmington, Loeb Classical Library [Cambridge, MA: Harvard Univ. Press, 1961]).

¹³Although “public business” can translate the Latin *res publica*, here it translates the Latin *negotium publicum*.

¹⁴I follow Ziegler, Büchner, and Zetzel in reading *voluptatem* instead of Powell’s *voluntatem*: Cicero frequently criticizes Epicureanism in his works, and his criticism here is stronger if he uses the Epicureans’ own standard against them.

¹⁵Literally, “signs.”

back this life—which must be given back to nature anyway—in behalf of their fatherland above all else. On that point they¹⁶ consider themselves endowed with a rich vocabulary and eloquent when they collect the calamities of the most famous men and the injustices imposed on them by ungrateful fellow citizens. Here they give those examples from the Greeks: both Miltiades, conqueror and master of the Persians, who, before the wounds that he had received “head-on”¹⁷ in the very famous victory had healed [and] while he was in the chains of his fellow citizens, poured out his life, which had been saved from the enemy’s weapons; and Themistocles, driven and scared away from the fatherland he had freed, who fled for refuge not to the Greek ports he had saved but to the interiors of a foreign country he had demolished. Examples are not lacking of the fickleness and cruelty of the Athenians toward their most distinguished citizens, examples that originated and spread among them and also, they say, overflowed into our highly respected city. For instance, the exile of Camillus is mentioned, or the offense against Ahala, or the ill will toward Nasica, or the expulsion of Laenas,¹⁸ or the condemnation of Opimius, or the fleeing of Metellus,¹⁹ or the bitterest disaster of Gaius Marius, the slaughter of leading men, or the deaths of many others that followed shortly thereafter.²⁰ Moreover, they do not hold back my name; and, I believe, because they think they were preserved in that life of leisure through my²¹ judgment and danger, they complain even more seriously and kindly about me. But by no means could I easily say why, when they themselves cross the seas for learning and visiting * * *

[Two pages are missing.]

* * * [because] leaving the consulship I had taken an oath in the assembly [that the republic] was safe, and the Roman people took the same oath, I would have been easily compensated for the care and trouble of all the injustices.²² Yet my misfortunes held more honor than

¹⁶I.e., the opponents of the courageous men.

¹⁷Literally, “in the front of the body.”

¹⁸Publius Popillius Laenas.

¹⁹Quintus Caecilius Metellus Numidicus.

²⁰The last clause of this sentence probably refers to Lucius Cornelius Sulla Felix’s proscriptions in 81.

²¹Literally, “our” (and throughout this work where appropriate).

²²It was normal practice for a consul to address the assembly on the last day of his term. But the tribune Quintus Caecilius Metellus Nepos legally prevented Cicero from doing so, because of Cicero’s summary executions of the conspirators loyal to Lucius Sergius Catilina. Cicero instead swore an oath that he had saved the republic. See Cicero, *Letters to Friends* 5.2.7; *Against Piso* 6.

labor and not so much trouble as glory, and I reaped greater joy from respectable men's longing than grief from wicked men's joy.²³ But, as I said, if it had happened otherwise, how could I complain? Nothing that resulted from such deeds of mine had turned out for me that was unforeseen or more gravely than I had expected. I had been the sort of man who could have taken greater enjoyment from leisure than others could, because of the varied pleasantness of the studies with which I had lived from boyhood; or if anything more bitter happened to us all, I would have undergone a state of fortune not unique but equal to that of others. For the sake of saving fellow citizens I could not hesitate to expose myself to the gravest storms, and practically even thunderbolts, and to procure a common leisure for all others through my own dangers. Our fatherland has neither given us birth nor educated us according to law without expecting some nourishment, so to speak, from us. Nor has it supplied a safe refuge for our leisure and a tranquil place for quiet merely to serve our convenience, but to appropriate for itself, for its own advantage, the largest and greatest part of our minds, talents, and counsels, giving back only so much to us for our private use as is beyond its own requirements. 8

Furthermore, those evasions that men make as an excuse for themselves, so that they may more easily take great enjoyment in leisure, should be listened to certainly least of all. They say that, for the most part, worthless men take part in the republic, with whom it is dirty to be matched yet wretched and dangerous to have conflict, especially when the multitude is spurred on. Thus [they say that] it is not for the wise man to take the reins because he cannot restrain the raving, uncontrolled attacks of the crowd. Nor[, they say,] is it for the free man, contending with vile, monstrous adversaries, either to undergo the lashes of their outrage or to await injustices that a wise man should not tolerate—as if, for those who are good, courageous, and endowed with a great mind, there could be any cause for entering public life²⁴ more just than not to obey wicked men and not to allow these men to tear the republic to pieces while they themselves cannot bring aid, [even] if they desire to do so.²⁵ 9

And, may I ask, who can approve this limitation: they deny that the wise man will undertake any part in the republic beyond what circumstance and necessity compel. As if a greater necessity could 10

²³Cicero refers here to his exile (March 58–August 57).

²⁴Literally, “going to the republic.”

²⁵Ziegler's ordering of the words in this sentence makes better sense than Powell's, which puts the last part of the sentence, beginning with “while,” before the dash.

happen to anyone than happened to me—in which case, what could I have done if I had not then been consul? And how could I have been consul if I had not maintained this course of life from boyhood, through which I arrived at the most distinguished honor after having been born of equestrian lineage?²⁶ Therefore, even though the republic may be pressed by dangers, the power to help it does not come at any time or whenever you wish, unless you are in a position where you are allowed to do that. In particular this speech of educated men regularly amazes me: the same men who deny their ability to govern—which they will not learn or ever care to know—in a tranquil sea promise to approach the helm during the greatest floods.²⁷ These men are accustomed to speak openly and even to boast much on this point, that they never learned or taught anything about the methods of establishing or protecting republics, that the knowledge of these things is not for educated, wise men, but they think that it should be given over to those who are trained in that subject. Why do men agree to promise their efforts to the republic as a last resort, only if they are compelled by necessity, when (and this is much easier) they do not know how to rule the republic when no necessity is pressing? Even if it were true that the wise man is not accustomed to stoop willingly to the business of the city but does not refuse this service as a last resort if he is compelled by circumstances, I, for one, would still think that by no means should the wise man neglect this knowledge of political affairs, and thus that he should prepare all the things that he does not know whether it will be necessary to use at some time.

11

I have spoken many words on this matter because in this book I have planned and undertaken an argument about the republic. So that it might not be in vain, I first had to remove doubt about entering public life. But if there are those who are still moved by the authority of the philosophers, let them give their attention for a little while and listen to those whose authority and glory are highest among highly educated men. Even if they have not managed the republic themselves, I think that they have still performed some service for the republic because they have inquired, and written many things, about the republic. In fact, of those seven men the Greeks called wise, I see that almost all were engaged at the center of public affairs.²⁸ There is

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²⁶Cicero's father was a knight (*eques*). Originally knights made up the Roman cavalry, but later the term came to mean a member of a wealthy class with political influence.

²⁷In this sentence the verb *gubernare* is translated as "to govern," while the related word *gubernacula* is translated as "the helm." A *gubernaculum* was a steering-oar of a ship.

²⁸The list of the seven wise men varies. Plato (*Protagoras* 343a) lists them as Bias, Chilon, Cleobulus, Myson, Pittacus, Solon, and Thales. All but Thales were involved in public affairs.

nothing in which human virtue more nearly approaches the majesty of the gods than either founding new cities or preserving ones that are already founded. Wherefore, since it happened that I achieved simultaneously something memorable in managing the republic and a certain ability to expound the meaning [*ratio*] of political things, [it turned out that] I was an authority through not only experience but also eagerness for learning and teaching. While some superior men were thoroughly polished in arguing, whose exploits were found to be nothing, others who were commendable managers were unrefined in discussion. The kind of reasoning [*ratio*] that I must introduce is neither new nor discovered²⁹ by me. Instead I must recall to memory an argument among the most famous and wisest men in our city belonging to a single generation. This account was once explained to me and to you,³⁰ as a young boy, by Publius Rutilius Rufus, when we were together for several days at Smyrna. I think that almost nothing of great importance pertaining to the consideration of political affairs was omitted from it. 13

When Tuditanus and Aquilius were consuls, Publius Africanus,³¹ son of Paullus, had decided to spend the Latin holiday on his grounds.³² His closest friends had said that they would come to him frequently during those days. On the first morning of the Latin holiday the first who came to him was Quintus Tubero, his sister's son. Scipio kindly greeted him and said that he was glad to see him. 14

SCIPIO: Why are you here so early, Tubero? This holiday was giving you a really favorable opportunity for pursuing your literary studies.

TUBERO: In fact all my time is vacant for my books, for they are never busy. But it is very remarkable to find you at leisure, especially during this unrest of the republic.

SCIPIO: Certainly you have found me thus, but at leisure more in terms of work than in mind, by Hercules!

²⁹Or "invented." The Latin *invenire* (used here) and *reperire* (used elsewhere) can each mean "to discover" or "to invent." The reader should consider a possible ambiguity wherever the word "discover" or "discovery" (the Latin *inventum*) is encountered in *Rep.* or *Leg.* *Invenire* and *reperire* can also mean "to find," as *invenire* does earlier in this section (i.e., "were found").

³⁰Cicero refers here to the dedicatee of *Rep.*, perhaps his brother Quintus.

³¹Publius Cornelius Scipio Aemilianus Africanus (Numantinus). Hereafter in the notes he will be referred to as Scipio.

³²This three-day holiday, commemorating the alliance between Rome and the Latins, was early in 129. Scipio's property was in the Campus Martius, just outside the official boundary of Rome.

TUBERO: But it is proper for you to relax your mind also. Now, as we decided, many of us are prepared to make full use of this leisure with you, if it can be done at your convenience.

SCIPIO: Indeed I am willing, so that at some point our attention will be drawn to learning.

TUBERO: Then, Africanus, since you invite me in such a way that gives me hope regarding yourself, do you want us first to see—before the others come—what the facts are concerning the other sun that was reported in the senate?³³ Those who say that they saw two suns are neither few nor irresponsible, so it is not so much a matter of not having trust [in the event] as it is of inquiring into the reason [for it].

15

SCIPIO: How I wish we had with us our friend Panaetius, who inquires regularly and most eagerly about these celestial matters, as well as other things! But, Tuberо—now I will speak to you openly what I feel—I do not agree much with our close friend on this entire kind of thing: he holds such firm conclusions on the sorts of matters we can scarcely guess about that it seems he notices them with his own eyes or handles them distinctly with his own hand. I am still inclined to judge Socrates wiser, who put aside all care of this kind and said that either things sought about nature are greater than human reason can achieve or they hold no concern at all for human life.

TUBERO: Africanus, I do not know why it has been handed down that Socrates rejected this entire [line of] argument and used to inquire only as far as life and morals [*mos*] were concerned. What more trustworthy authority on that man can we praise than the famous Plato? In many places in his works Socrates speaks in such a way that even when he is debating morals [*mos*], virtues, and even the republic, he is nonetheless eager to combine numbers, geometry, and harmony in the manner [*mos*] of Pythagoras.

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SCIPIO: What you say is true. But, Tuberо, I believe you have heard that after Socrates's death, Plato hastened first to Egypt for the purpose of learning, afterward to Italy and Sicily so that he might thoroughly learn Pythagoras's discoveries, and then he spent much time with Archytas of Tarentum and Timaeus of Locri and obtained the commentaries of Philolaus.³⁴ And since at that time the name of Pythagoras thrived in those places, he devoted himself to the Pythagoreans and their studies. And so, since he cherished Socrates uniquely

³³This appearance was caused by the refraction of light by ice crystals. One such phenomenon is the *parhelion*, "sun-dog." Compare Cicero, *On the Nature of the Gods* 2.14, where it is interpreted as a sign of Scipio's impending death.

³⁴Most scholars today accept as fact Cicero's account of Plato's journey to Italy and Sicily but not his journey to Egypt. For another account of Plato's travels with a different list of philosophers, see Cicero, *On the Ends of Good and Bad Things* 5.87.

and wished to credit everything to him, he wove together the Socratic wit and subtlety of conversation with Pythagoras's obscurity and weight in many arts.

When Scipio had said these things, he observed Lucius Furius coming suddenly. And as he greeted him, he took him with the greatest friendliness and placed him on his own couch. And since Publius Rutilius, who is our authorial source for this conversation, had come at the same time, Scipio also greeted him and had him sit next to Tubero. 17

FURIUS: What are you discussing? Our coming didn't break off any of your conversation, did it?

AFRICANUS:³⁵ Not at all. In fact you regularly and eagerly investigate the kind of thing that a little while ago Tubero began to inquire about. Indeed our friend Rutilius used to inquire about something of this sort with me now and then, even under the walls of Numantia itself.

PHILUS:³⁶ What matter cropped up, may I ask?

SCIPIO: Those two suns, about which I am eager to hear what you feel, Philus.

No sooner had he said this than a boy³⁷ reported that Laelius was coming to him and had already left his house. After Scipio put on his shoes and garments, he left his bedroom. When he had walked in the portico for a little while, he greeted the arriving Laelius and those who had come with him: Spurius Mummius, who was among his favorites; and Gaius Fannius and Quintus Scaevola,³⁸ sons-in-law of Laelius, who were educated young men and already of the age for quaestor.³⁹ When Scipio had greeted them all, he turned around in the portico and put Laelius in the center; for there was a certain law, so to speak, within their friendship, that when they were abroad Laelius worshipped Africanus as a god because of his outstanding glory in 18

³⁵To introduce this speech by Scipio, Cicero refers to him by his agnomen Africanus, stressing his intelligent service to the republic from his military exploits in Africa. Cicero also introduces Scipio's speech with "Africanus" at *Rep.* 1.38, 39; 2.30, 65, 69.

³⁶I.e., Lucius Furius Philus, who spoke just before the previous speech.

³⁷The boy would have been a slave.

³⁸Quintus Mucius Scaevola (1) (the Augur). He was called "the Augur" to distinguish him from his cousin of the same name, who served in another religious office, *pontifex maximus* (highest pontifex). The augurs had the power to determine whether the gods approved or disapproved of proposed civic actions.

³⁹A quaestor was a financial officer. In the second century the minimum age was twenty-eight.

war, while when they were in Rome⁴⁰ Scipio saw Laelius as a parent because he came first in age. Then, when they had spoken very few words among themselves in one spot and another, and their arrival had been very agreeable and very gratifying to Scipio, they were pleased, because it was winter, to settle in the sunniest place of a small meadow. When they were about to do so, a prudent man interrupted who was agreeable and dear to all of them: Manius Manilius, who was greeted by Scipio and the others with the greatest friendliness and who sat next to Laelius.

PHILUS: It does not seem to me that we need to find another topic of conversation just because these men have come. But we should discuss more carefully, and anything said should be worthy of their ears. 19

LAELIUS: What were you discussing, may I ask? What conversation did we interrupt?

PHILUS: Scipio had asked me what I felt about the fact that it is generally agreed that two suns have been seen.

LAELIUS: Do you say so, Philus? Have we already explored matters relevant to our homes and to the republic, since we are inquiring about what is going on in the heavens?

PHILUS: Don't you think it relevant to our homes that we know what is going on and being done at home?—which is not the one that the walls of our houses surround but this whole universe, which the gods gave us as a domicile and a fatherland in common with themselves.⁴¹ Especially since, if we ignore these things, we must ignore many great things. And indeed the investigation and consideration of these very things delight me, as also—by Hercules!—they do you, Laelius, and everyone eager for wisdom.

LAELIUS: I do not object, especially since we are on holiday. But can we listen to something, or have we come too late? 20

PHILUS: So far there has been no debate. And since it is unbroached, I, for one, will gladly yield to you, Laelius, so that you may discuss it.

LAELIUS: On the contrary, let us listen to you, unless by chance Manilius thinks that some interdict ought to be composed between the two suns so that they may possess the heavens as each one possessed it before.⁴²

⁴⁰Literally, "at home."

⁴¹Philus introduces the Stoic notion of a community of god(s) and human beings, what is called in English (from two Greek words) a cosmopolis. It is important because much of the argument in both *Rep.* and *Leg.* has Stoic overtones. See, e.g., *Leg.* 1.23; Cicero, *On the Ends of Good and Bad Things* 3.64; *On the Nature of the Gods* 2.154.

⁴²Laelius refers jokingly to a legal injunction against tampering with disputed property prior to adjudication.

MANILIUS: Laelius, are you still mocking this art⁴³ in which you yourself greatly excel and without which no one can know what is his and what is another's? But that can come later. Now let us listen to Philus, who I see is already asked for advice on greater matters than either Publius Mucius or I.

PHILUS: I will report nothing new to you, nor have I thought or discovered anything. Now I remember when the same thing was said to have been seen, and by chance Gaius Sulpicius Gallus, a highly educated man as you know, was at the home of Marcus Marcellus,⁴⁴ who had been consul with him. Gallus had the globe brought out that Marcus Marcellus's grandfather had carried off after the capture of Syracuse, that most opulent and ornate city, although he had taken away nothing else from such a great booty to his own home. Although I had very often heard of the fame of this globe because of Archimedes's glory, I did not marvel at the beauty of such a work; for there was that globe that is lovelier and more renowned among the crowd, which the same Archimedes made and the same Marcellus put in the Temple of Virtue.⁴⁵ But after Gallus began very knowingly to give an account of this work, I judged that there was more talent in that Sicilian than it seemed human nature could provide. Gallus was saying that the other globe, solid and full, was an old invention and that it was first fashioned by Thales of Miletus; then that same one was configured with the stars and planets anchored in the heavens by Eudoxus of Cnidus (a student of Plato, he reported). And many years later Aratus expressed in verse this whole ornamentation and configuration taken from Eudoxus, not with knowledge of astronomy but with a certain poetic ability. But this kind of globe, which contained the motions of the sun, the moon, and the five planets that are called wanderers and, so to speak, roamers,⁴⁶ could not be drawn on the solid globe, and Archimedes's discovery must be marveled at because he had thought out how a single revolution could preserve uneven, varying courses with their dissimilar speeds. When Gallus moved this globe, the moon followed the sun by just as many revolutions on that bronze device as it does by days in the heavens themselves. That same eclipse of the

⁴³I.e., the profession of law.

⁴⁴Marcus Claudius Marcellus (2).

⁴⁵Marcus Claudius Marcellus (1), conqueror of Syracuse in 212, had earlier pledged to build the Temple of Virtue after defeating the Gauls in 222. His son of the same name actually built it. The globe kept in the Marcellus family was an orrery (in Cicero's day, a clockwork representation of the motions of the sun and planets around the earth), while the one in the temple was a single sphere.

⁴⁶The five other planets known then were Mercury, Venus, Mars, Jupiter, and Saturn.

sun happened in the heavens [and on] the globe, and the moon then came to that boundary where the shadow of the earth was at the time when the sun * * * from the region⁴⁷ * * *

[Probably eight pages are missing. At the end of the lacuna Scipio is speaking of Gallus.]

SCIPIO: * * * he was, because I myself cherished the man, and I knew that he was especially esteemed by, and dear to, my father Paullus. I remember that when I was a very young boy, when my father was consul in Macedonia and we were in camp, our army was disturbed by superstition and fear because during a serene night there was a sudden eclipse of the bright, full moon.⁴⁸ He⁴⁹ was our subordinate commander about one year before he was proclaimed consul. The next day he did not hesitate to teach openly in camp that this was no omen, but that it had happened then and at certain times would always happen when the sun was so located that it could not reach the moon with its own light. 23

TUBERO: Do you really mean that he could teach this to men who were almost boorish and that he dared to say these things among the ignorant?

SCIPIO: Indeed he did, and even with great * * * 24

[About two pages are missing.]

SCIPIO: * * * [neither excessive] ostentation nor speech inappropriate to the character of a very respected man. For he [had] attained this great thing: he had banished the empty superstition and fear from the disturbed men. And even during that very great war, when the Athenians and the Spartans engaged in the utmost struggle with each other,⁵⁰ at a moment when suddenly there was darkness from an obscured sun and an extreme fear seized the Athenians' minds,⁵¹ the famous Pericles, the leading man of his city in authority, eloquence, and judgment, is said to have taught his fellow citizens something of this sort, which he himself had taken from Anaxagoras, whose pupil he 25

⁴⁷For a similar treatment, see Cicero, *On Divination* 2.17.

⁴⁸June 21, 168 (September 3 in the Roman calendar at that time; see the historian Titus Livius [i.e., Livy] 44.37).

⁴⁹I.e., Gallus.

⁵⁰I.e., the Peloponnesian War (431–404).

⁵¹This eclipse occurred August 3, 431 (see Thucydides, *History of the Peloponnesian War* 2.28). Plutarch (*Parallel Lives*, "Pericles," 35) gives a different account of Pericles's explanation of it.

had been: At a certain time this necessarily happens, when the entire moon has fallen below the orb of the sun.⁵² Therefore, although it does not happen at every new moon, it cannot happen except during the new moon. When he taught this by arguing and by [giving] reasons, he freed the people from fear. At the time it was a new, unknown matter that the sun would regularly become eclipsed by the interposition of the moon, which they say Thales of Miletus was first to see. But afterward it did not escape even our own Ennius; and, as he writes in approximately the 350th year after the founding of Rome, "On June 5 the moon and night stood in the way of the sun."⁵³ And concerning this subject, so much knowledge and skill exist that from the day that we see recorded by Ennius⁵⁴ and in the Great Annals,⁵⁵ earlier eclipses of the sun have been calculated back to July 7 in the reign of Romulus.⁵⁶ Although in fact nature snatched away Romulus during that darkness to a human exit, it is said that his virtue carried him off to heaven.⁵⁷

TUBERO: Do you see, Africanus, what a little while ago seemed otherwise to you, * * *

[Two pages are missing.]

SCIPIO: * * * which others may see. Furthermore, what should someone who has examined these kingdoms of the gods consider splendid in human affairs? Or what is long lasting to someone who knows what is eternal? Or what is glorious to someone who has seen how small the earth is—first the whole of it, then the part of it that human beings inhabit—and how tiny is the part of it in which we, completely unknown to many nations, are fixed? Nevertheless, we hope that our name will fly around and roam very far. The man who is not inclined to consider or call "goods" our fields, buildings, cattle, and enormous amounts of silver and gold, because the enjoyment of those things seems trifling to him, their use short, their mastery uncertain, and often even the worst men seem to possess an enormous

⁵²I.e., when the moon has eclipsed the sun.

⁵³Cicero may be referring to the eclipse of June 21, 400. The quotation from Ennius is probably from *Annals*, bk. 4.

⁵⁴Ennius, *Annals* fragment 166.

⁵⁵The Great Annals—not to be confused with Ennius's *Annals*—consisted of records kept by the highest pontifices that contained names of important officials and reports of astronomical events. According to tradition Publius Mucius Scaevola compiled the records in a single work.

⁵⁶There is no record of an eclipse on that day during that period.

⁵⁷Livy's account mentions a storm but no eclipse (1.16).

amount of them—how fortunate he must be considered. He alone may truly claim all things as his own by right not of the Quirites⁵⁸ but of the wise, not by a civil obligation but by the common law of nature, which forbids that anything belong to anyone except to him who knows how to handle and use it. Such a man thinks that our positions of command and consulships are necessary things, not things to be desired—that they should be endured for the sake of performing a service, not desired for the sake of rewards or glory. Such a man, finally, can declare about himself, as Cato⁵⁹ writes that my grandfather Africanus used to say, that he was never doing more than when he was doing nothing, that he was never less alone than when he was alone.⁶⁰ Who can truly think that Dionysius did more when he snatched freedom away from his own citizens by all his machinations than his citizen Archimedes did when he made that very globe (about which we were just speaking) while seeming to do nothing? And who doesn't think that those who have no one they are pleased to speak with in the forum and in a mob are more alone than those who, when no one is watching, either speak with themselves or act as if they were present in an assembly of highly educated men, delighting themselves with their discoveries and writings?⁶¹ Who can think that anyone is richer than he who lacks nothing that nature requires, or more powerful than he who attains everything he desires, or happier than he who has been freed from all disturbance of mind, or of steadier fortune than he who possesses those things that (as they say) he can carry away with himself from a shipwreck? And what position of command, what magistracy, what kingdom can be more preeminent than a man who looks down on all human things and regards them as inferior to wisdom and never turns over anything in his mind unless it is everlasting and divine? Such a man has been persuaded that although others are called

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⁵⁸*Quirites* was originally the name for the inhabitants of the Sabine town Cures. After the Sabines and the Romans had formed one city, and the Sabines had received full citizenship in 268, the Romans used the term *Quirites* to refer to themselves in their civil capacity, while they used *Romani* to refer to their political and military capacity. Cicero here uses the legal term for civil ownership (*ius Quiritium*) as opposed to mere possession.

⁵⁹Marcus Porcius Cato (1).

⁶⁰Cicero mentions this saying in slightly different form at *On Duties* 3.1. Its source in Cato's work is unknown.

⁶¹Compare the account of the philosopher's pleasures given by Niccolò Machiavelli in his letter to Francesco Vettori of December 10, 1513: "When evening has come, . . . I enter the ancient courts of ancient men. . . . There I am not ashamed to speak with them and to ask them the reason for their actions; and they in their humanity reply to me." Niccolò Machiavelli, *The Prince*, trans. Harvey C. Mansfield, 2nd ed. (Chicago: Univ. of Chicago Press, 1998), 109–10. This comparison was noted in L. Perelli, "L'Elogio della vita filosofica in *de re publica*, I, 26–29," *Bollettino di studi latini* 7 (1971): 399–400; and in James E.G. Zetzel, ed., "*De re publica*": *Selections*, by Cicero (Cambridge: Cambridge Univ. Press, 1995), 119.

human beings, only those who are refined in the arts appropriate to humanity are human beings. Thus the saying of Plato, or someone else, seems to me very fine:⁶² When a storm had tossed him from the deep sea down to unknown lands and a deserted shore, while others were afraid because of their ignorance of the location, they say that he noticed certain geometrical shapes marked in the sand. When he saw them, he exclaimed that they should be of good spirit, for he was seeing the tracks of men. He clearly inferred these things not from the planting of the field, which he did notice, but from the marks of learning. Therefore, learning, erudite men, and those studies of yours, Tubero, have always pleased me.

LAELIUS: I, for one, do not dare to reply to these things, Scipio, nor * * * that either you, Philus, or Manilius * * *

[Two pages are missing.]

LAELIUS: * * * that friend of ours was in his⁶³ father's family and was worthy of his emulation, "an extraordinarily sagacious man, the clever Aelius Sextus,"⁶⁴ who was "extraordinarily sagacious" and "clever," and was said to be so by Ennius not because he inquired about what he never discovered but because he gave responses that released from care and trouble those who inquired of him. And when he argued against Gallus's studies, he always had on his lips [the words of] the famous Achilles in *Iphigenia*:⁶⁵

What's the point of observing astronomers' signs in the heavens,
When she-goat or scorpion or the name of any of the beasts arises—
No one watches what is before his feet; they scrutinize the regions of
the heavens.

And this same man used to say—for I used to listen to him often and gladly—that Pacuvius's famous Zethus was too unfriendly to learning; he was more delighted by Ennius's Neoptolemus, who states that "he wishes to philosophize but only a little, for it does not entirely please him."⁶⁶ Now if the Greeks' studies delight you so much, there

⁶²This saying is often credited to Aristippus, an associate of Socrates.

⁶³I.e., Tubero's.

⁶⁴Ennius, *Annals* fragment 326. The name is traditionally given as Sextus Aelius.

⁶⁵Ennius, *Iphigenia* fragments 249–51.

⁶⁶Ennius, unassigned play fragment 400. The contrast between the brothers Amphion and Zethus as men of theory and practice respectively comes from Pacuvius's *Antiope* (taken from Euripides's work of the same name) and is used by Callicles in Plato, *Gorgias* 485e–486a to argue against an excess of philosophizing. Cicero also quotes this line at *On the Orator* 2.156 and *Tusculan Disputations* 2.1.

are other studies of a freer character that are applied more widely, which we can bring either to our use in life or even to the republic itself.⁶⁷ In fact those arts of yours are worthwhile—if for anything at all—for sharpening a little and, so to speak, stirring up boys' intellects, so that they can learn greater things more easily.

TUBERO: I do not disagree with you, Laelius, but I ask what you understand as greater things. 31

LAELIUS: By Hercules, I will tell you! And perhaps you will scorn me, since you inquired of Scipio about celestial things. But I think that things appearing before our eyes should be inquired about more. Why, may I ask, does Lucius Paullus's grandson, with this man for an uncle,⁶⁸ born into the noblest family and into so famous a republic, inquire how two suns have been seen, but he does not inquire why there are now two senates and almost two peoples in one republic? As you see, the death of Tiberius Gracchus⁶⁹ and, even before that, the entire conduct of his tribunate divided one people into two parts. Scipio's detractors and those envious of him—starting from Publius Crassus and Appius Claudius,⁷⁰ but no less now that those men are dead—hold another part of the senate under the authority of Quintus Metellus⁷¹ and Publius Mucius in opposition to you.⁷² Nor do they allow him, who alone is able, to aid in such dangerous matters, though the allies and the Latins are aroused, treaties are violated, the highly seditious triumvirs are daily devising something new,⁷³ and respectable and trustworthy men are disturbed. Therefore, young men, if you will 32

listen to me, do not fear another sun. For there cannot be one; or—let it really be as it appeared, provided it is not troublesome—we can know nothing of these things; or even if we know a great deal, we cannot be

⁶⁷The Latin for “freer” is *liberiora*, from the adjective *liber*, meaning “free” (not to be confused with the noun *liber*, meaning “book”). Laelius may be speaking here of what we call the liberal arts: studies that help to free the mind from prejudice. Alternatively, since the Greeks' studies include the liberal arts, he may be speaking more specifically of the study of politics. I owe the suggestion of this alternative to Douglas Kries.

⁶⁸Tubero was grandson of Lucius Aemilius Paullus, Scipio's natural father, through Scipio's sister Aemilia. Thus Scipio was the uncle.

⁶⁹Tiberius Sempronius Gracchus (2).

⁷⁰Appius Claudius Pulcher (1).

⁷¹Quintus Caecilius Metellus Macedonicus.

⁷²Of the men mentioned in this sentence, Publius Licinius Crassus Dives Mucianus, Appius Claudius Pulcher (1), and Publius Mucius Scaevola were allied with the party of Tiberius Sempronius Gracchus (2); Quintus Caecilius Metellus Macedonicus's dispute with Scipio was over a personal matter.

⁷³The reference is to the commission of three men (*triumviri*) established under the law of Tiberius Sempronius Gracchus (2) to redistribute public land from Italian landowners (“the allies and the Latins”) to poor Roman citizens. The commission consisted of Tiberius himself, his brother Gaius, and his father-in-law, Appius Claudius Pulcher (1). Scipio supported the Italian landowners.

better or happier because of this knowledge. Let us have, however, one senate and people. That can happen, and there is much trouble unless it does happen. And we know that the current situation is otherwise. And we see that if it is done, we will live better and more happily.

MUCIUS: Then what do you think we ought to learn, Laelius, in order to be able to do exactly what you demand? 33

LAELIUS: The arts that make us useful to the city; for I think that is the most splendid service of wisdom and the greatest proof or duty of virtue. Therefore, so that we may devote this holiday above all to conversations most advantageous to the republic, let us ask Scipio to explain what he thinks is the best form of a city. Then let us inquire about other things. When they are known, I hope that we will come methodically to these very things, and that we will explain the meaning of the things that are now before us.⁷⁴

When Philus, Manilius, and Mummius [had] completely approved of this, * * * 34

[Two pages are missing.]⁷⁵

LAELIUS: * * * I wanted [it] to happen not only because it was fair for a leading man of the republic, above all others, to speak about the republic, but also because I remembered that very often you would discuss with Panaetius in the presence of Polybius—perhaps the two Greeks most skillful in political affairs⁷⁶—and assemble many [arguments] and teach that the best form of the city, by far, is the one our ancestors left us. Since you are more prepared for this argument, you will do something pleasing to all of us—and I will speak for these men—if you explain what you feel about the republic.

SCIPIO: I, for one, cannot say that I am usually engaged in any reflection more vigorously or diligently than on this very subject that you, Laelius, propose to me. Since I see that every craftsman who truly excels at his own task thinks about, meditates on, and cares for nothing other than that he should be better in that respect, and since my parents and ancestors left me this one task—the management and administration of the republic—would I not admit to being lazier than any workman if I spent less effort on that greatest art than they do on 35

⁷⁴“These very things” and “the things that are now before us” refer to the present political situation.

⁷⁵Two fragments occur here in editions other than Powell’s. Ziegler’s text has what Powell and I have given as fragment 4 of uncertain location at the end of *Rep.* Keyes’s text has what Powell and I have given as *Rep.* 1.57 fragment.

⁷⁶Or “the two Greeks quite the most skillful in political affairs.”

the least ones? Although I am not content with the writings that the highest and wisest men of Greece have left us concerning that problem, I do not dare to prefer my opinion to theirs. Therefore, I ask you to listen to me neither as someone who is altogether ignorant of Greek affairs nor as someone who ranks their things ahead of ours, especially on this subject, but as one of the toga-wearers⁷⁷ not illiberally educated by a father's diligence and kindled from boyhood with an eagerness for learning, but instructed much more by experience and by precepts from home than by literary studies. 36

PHILUS: By Hercules, Scipio, I do not doubt that no one outshines you in talent, and that you easily surpass everyone else in experience in the greatest matters of the republic! But we have a grasp of what studies you have always favored. Therefore, if, as you say, you have also devoted your mind to that knowledge and, as it were, art,⁷⁸ I give the greatest thanks to Laelius. I hope that what you say will be much fuller than everything written for us by the Greeks. 37

SCIPIO: You certainly place a very great expectation on my speech, which is a very heavy burden to one who is going to speak about great matters.

PHILUS: Although it is great, you will overcome it, as you usually do, for there is no danger that speech will fail you while discussing the republic.

SCIPIO: I will do what you wish as far as I can, and I will begin the argument according to the rule that I believe should be used for discussing all matters, if you wish to eliminate error: if there is agreement concerning the name of what is inquired about, let what is shown by this name be explained; and if there is agreement about that, then at last it will be proper to begin conversation.⁷⁹ For it can never be understood what sort of thing will be debated unless there is prior understanding of what it is. Therefore, since we inquire about the republic, let us first see what the thing itself is about which we inquire. 38

Laelius approved.

AFRICANUS:⁸⁰ I will not discuss a matter so familiar [*illustris*] and well known in such a way that I return to the first principles that

⁷⁷I.e., one of the Roman citizens, one of the freeborn Roman males.

⁷⁸*Ars*, translated as "art," means a skill in working something. It includes any physical or mental activity so far as it is exhibited in practice. It can also mean a science. Philus is saying that the study of public affairs is almost an art or a science in itself.

⁷⁹On the importance of beginning with definitions, see Cicero, *On the Orator* 1.209–13; *On the Ends of Good and Bad Things* 1.29.

⁸⁰Again Cicero refers to Scipio by his agnomen Africanus, stressing his intelligent service to the republic from his military exploits in Africa, and hence his fitness to define the term "republic" in the next section.

educated men are accustomed to use in these matters—that would be to begin with the first meeting of male and female, then with their offspring and kin⁸¹—nor in such a way that I give frequent verbal definitions of what each thing is and clarify in how many ways each thing may be spoken of. Since I speak among prudent men who have been involved in the greatest republic in war and at home with the highest glory, I will not be guilty of making the thing I am arguing about more lucid [*illustri*s] than my speech.⁸² I have not undertaken this in order to follow all things thoroughly, as if I were a teacher, nor do I promise not to omit any small part in this conversation.

LAELIUS: Yes, I expect exactly the kind of speech that you promise.

AFRICANUS: So then, a republic is a “thing” of a people.⁸³ A people, however, is not every assemblage of human beings herded together in whatever way, but an assemblage of a multitude united in agreement about right and in the sharing of advantage. The first cause of this assembling, however, is not so much weakness as a certain natural herding together, so to speak, of human beings. For this species is not solitary, nor does it wander alone, but it has been begotten so that not even with an abundance of all things * * *

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[Two pages are missing.]⁸⁴

SCIPIO: * * * certain seeds, so to speak, nor may any establishment of the remaining virtues or of the republic itself be found. So then, these assemblages, begun for the reason I explained, at first established a seat for their domiciles in a certain place. When they had enclosed it by means of the terrain and their own manual labor, they called such a combination of dwellings a town or a city, distinguished by shrines and common spaces. Therefore, every people, which is an

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⁸¹Cicero appears to be distinguishing Scipio's approach from that of Aristotle, *Politics* 1252a24–30, 1253b1–8; and Polybius 6.6.2.

⁸²Scipio says, in effect, that he will not patronize his companions. He implies that they already know what a republic is.

⁸³Scipio is saying that a *res publica* is a *res populi*, literally, “[a] thing of [a] people.” Recall from the note on the text and the translation that *res* also means “concern” or “property.” This definition of a people seems to include any group with a unified view of justice and advantage, whether or not that view is praiseworthy. But later (*Rep.* 3.35–36) Scipio will narrow the scope of *res publica* to something honorific by defining a people as a group that pursues what is right (and common advantage).

⁸⁴I follow Powell, who leaves sec. 40 empty. Two fragments occur here in other editions: (1) Ziegler's text has a passage from Lactantius (*Divine Institutes* 6.10.13–15, 6.10.18) that human beings come together because of a natural sociability. Powell says that he excludes it because the words may not be Cicero's. (2) Keyes's text has a passage from Augustine (*Letter* 138.10) concerning the transformation of a wandering multitude into a city through agreement. Powell says that he excludes it because the words may not be Cicero's and it adds nothing to the rest of the extant text.

assemblage of a multitude such as I explained, every city, which is an arrangement⁸⁵ of a people, every republic, which is, as I said, a “thing” of a people, must be ruled by a kind of deliberation so that it may be long lasting. And this deliberation, in the first place, should always be measured by the cause that gave birth to the city.⁸⁶ Then it should be assigned to either one man or certain select men, or it should be undertaken by the multitude—that is, by all.⁸⁷ Therefore, when the authority over all things is in the possession of one, we call that one a king and the form of the republic his kingdom. And when it is in the possession of select men, then that city is said to be ruled by the will of the aristocrats. And the city is popular (for so they call it) where all things are in the people’s hands.⁸⁸ And if any one of these three types maintains the bond that first bound human beings among themselves in the fellowship of a republic, though it is not perfect⁸⁹ nor in my opinion the best, nevertheless it is tolerable, and one of the three types may outshine another. It seems that a fair-minded, wise king or the select, leading citizens or the people itself (although it is least to be approved) can be in a not unstable form, provided that no unfairness or greed is mingled with it. But in kingdoms the others⁹⁰ have too small a part in common justice [*ius*] and deliberation. And in the aristocrats’ rule the multitude can scarcely have a share in freedom, since it lacks all common deliberation and power. And when the people manages all things, although it may be just and moderate, the equality [*aequabilitas*] itself is unfair [*iniquus*]⁹¹ because it recognizes

⁸⁵*Constitutio*, “arrangement,” will usually be translated as “constitution.”

⁸⁶The claim is that the exercise of political deliberation must be made in cognizance of the cause that originated the city. In their translation Sabine and Smith assert that the “cause” refers to such elements as the number and character of the people and the location and resources of the city. Because Cicero uses the singular of “cause,” however, it is more likely that Zetzel accurately reads “cause” in the sense of the purpose for which the city was formed—in which case the reference is to the twofold unity that constitutes a people: both the agreement about right (or justice) and the common advantage.

⁸⁷Note that, contrary to usage in Cicero’s day and in modern times, a monarchy is one form of a republic. But if we recognize that Cicero uses *res publica* as the equivalent of the Greek *politeia* (regime), then we can see that he follows Aristotle in considering monarchy as one form of regime.

⁸⁸Throughout *Rep.* a “popular city” or a “popular republic” will refer to the organization of the regime, not to its popularity.

⁸⁹The adjective *perfectus*, the noun *perfectio*, and the verb *perficere* are translated by words referring to one of two concepts: perfection and full development. I do not always use the former because it may carry the connotation “the best conceivable,” which is not always (if ever) appropriate in Cicero’s writings.

⁹⁰I.e., the aristocrats and the people.

⁹¹On the various forms and compounds of *aequus*, see the following: Zetzel, *Selections*, 132, 142–43; James E. G. Zetzel, ed. and trans., “*On the Commonwealth*” and “*On the Laws*,” by Cicero (Cambridge: Cambridge Univ. Press, 1999), xl; Elaine Fantham, “*Aequabilitas* in Cicero’s Political Theory, and the Greek Tradition of Proportional Justice,” *Classical Quarterly*, n.s., 23 (1973): 285–90; Andrew R. Dyck, “On the Interpretation of Cicero, *De republica*,” *Classical Quarterly*, n.s., 48 (1998): 564–65.

no degrees of rank. So even if the famous Cyrus the Persian was the most just and wisest king, that does not seem to me to have been a greatly desirable “‘thing’ of a people” (for that is what a republic is, as I said before), since it was ruled by the nod and [the will] of one man. In the [same] way,⁹² if our clients the Massilians are ruled with utmost justice by select, leading citizens,⁹³ there is nevertheless in this condition of the people a certain similarity to slavery. After the Areopagus had been removed, if the Athenians did nothing at certain times except by resolutions and decrees of the people, then the city did not maintain its luster, since they recognized no distinguishing degrees of rank.⁹⁴ And I say this about these three types of republics not when they are stirred up and mixed together but when they maintain their own form. First, these types have their own separate defects, of which I spoke before;⁹⁵ then they have other related, ruinous defects. In fact there is no type of republic that does not have a steep, slippery path to a neighboring bad condition. Beneath that king, the tolerable or, if you will, even lovable Cyrus (a name above all others), there is the well-known Phalaris, very cruel with respect to the licentiousness with which he changed his mind. The rule of one man will easily slide downhill into a rule like his. And the agreement and faction of the Thirty, who were among the Athenians at a certain time,⁹⁶ was a neighbor of the administration of the city by a few leading Massilians. Now as for the Athenian people’s power over all things—not to ask about other peoples—once it changed into the furor and licentiousness of a multitude * * *

[Two pages are missing.]

SCIPIO: * * * most horrid, and from that [a city] of the aristocrats [arises], or that factious, tyrannous [city],⁹⁷ or a kingly [city], or even

⁹²The text in the first part of this sentence and the last part of the previous sentence is corrupt. I follow Powell’s suggestion.

⁹³Massilia (or Massalia), modern Marseille, was a Roman ally.

⁹⁴The democratic party, led by Ephialtes and Pericles, took from the council of the Areopagus all of its significant judicial powers in 462–461.

⁹⁵See *Rep.* 1.43.

⁹⁶The Thirty Tyrants were the Athenian oligarchs installed by Sparta at the end of the Peloponnesian War; they ruled 404–403. They are viewed here as bad rulers, as opposed to the much better Massilian aristocrats. Throughout *Rep.* the word “faction” is at least an approximate equivalent of the form of regime commonly called oligarchy.

⁹⁷In this first sentence after the lacuna I have supplied words that give the likely sense, though Powell adds no words. I disagree with Zetzel, who in his commentary and translation separates the “factious” from the “tyrannous” city (*Selections*, 134–35). Sabine and Smith sensibly suggest that “most horrid” refers to the tyrant and that the “factious, tyrannous” city refers to the Thirty Tyrants.

very often a popular [city]; and likewise from that, some type that I spoke of before usually springs up. There are wonderful cycles and, as it were, revolutions of changes and alterations in republics. While it is for the wise man to know them, it is for some great citizen and almost divine man, while governing the republic, to foresee those that threaten and to direct its course and keep it in his power.⁹⁸ And so I feel that a certain fourth type of republic should be most approved, which is a moderation and mixing together of the three that I first spoke of.

LAELIUS: I know that it seems good to you, Africanus, for I have often heard you [speak about it]. Still, unless it is troublesome, I want to know which of those three modes of republics you judge best. Either it will be of some benefit * * *

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[Two pages are missing.]

SCIPIO: * * * and every republic is such as either the nature or the will of him who rules it.⁹⁹ And so in no other city than where the power of the people is highest does freedom have any domicile. Nothing indeed can be sweeter than freedom. And, to be sure, if it is not equal, it is not freedom. And how can it be equal—I will not say in a kingdom, where slavery is not even hidden or doubtful—but in those cities where all men are free in name [alone]?¹⁰⁰ Those men bear the suffrage, elect commanders and magistrates, are canvassed and asked for votes. Yet they give what must be given even if they are unwilling, and others seek from them what they do not have themselves. In fact they have no part in command, public deliberation, or the court of law of select judges—things that are apportioned on the basis of families' long existence or wealth. But in a free people, such as the Rhodians,¹⁰¹ such as the Athenians, there is no citizen who * * *

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[Two pages are missing.]

SCIPIO: * * * any one or many richer, more prosperous men step forth [from the people], then they recall that [the faults] originate in their scorn and haughtiness, as the idle yield and the weak succumb

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⁹⁸The word "those" may refer to either the changes or people. The Latin for "direct" is *moderantem*, related to *moderatum* (translated as "moderation") in the next sentence.

⁹⁹In *Rep.* 1.47–50 Scipio presents the arguments in favor of democracy. The regime that he describes in *Rep.* 1.47 corresponds closely to the workings of the Roman Republic.

¹⁰⁰To this point I have translated the word for "equal," *aequus*, as "fair." When democrats use the word, they emphasize the aspect of equality.

¹⁰¹For the constitution of Rhodes, which was more democratic than that of Athens, see *Rep.* 3.36.

to the arrogance of the rich.¹⁰² But if peoples maintain their right, they deny that anything is superior, freer, happier, since they are masters of laws, courts of law, war, peace, treaties, and one another's life and property. They think that this alone is rightly called a republic—that is, a “thing” of a people. And so they think that it is usual for a “thing” of a people to be freed¹⁰³ from the domination of kings and Fathers,¹⁰⁴ not for kings or the power and wealth of aristocrats to be sought by free peoples. And they deny that this entire type of free people should be rejected because of the fault of an uncontrolled people; for nothing is more unchangeable, nothing steadier, than a concordant people measuring all things by its safety and freedom. They also think that concord is easiest in a republic, where the same thing brings all persons together, and that discords originate in differences in advantage, when one thing is not expedient to all persons together. And so, when the Fathers gain possession of affairs, the form of the city has never been settled—much less in kingdoms, where, as Ennius states, “There is no sacred fellowship or trust.”¹⁰⁵ Therefore, since law is a bond of political fellowship, and justice is equality under law, by what justice can a fellowship of citizens be maintained when the condition of the citizens is not equal? If it is not acceptable for wealth to be equalized, if the natural abilities of all persons cannot be equal, surely rights should be equal among those who are citizens in the same republic. For what is a city if not a fellowship in justice * * *

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[Two pages are missing.]

SCIPIO: They think that the other republics should not even be called by the names by which they wish to be called. Why should I call a human being who desires to dominate or have sole command, who dominates an oppressed people, a “king”—the title of Jupiter the Best—instead of a “tyrant”? In fact a tyrant can be as merciful as a king can be harsh, so that the difference to the peoples is whether they serve a kind or a rough master; certainly it cannot happen that they

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¹⁰²I.e., the people blames the wealthy for its loss of power. I follow Zetzel's insertion of *vitia*, “faults,” instead of Powell's insertion of *regna*, “kingdoms,” because the earlier part of the sentence mentions oligarchy.

¹⁰³Literally, “to be claimed into freedom.” The “claim” refers to an action in Roman law of placing a claim on property based on ownership.

¹⁰⁴The plural of *pater*, “father,” can refer to senators or to the patrician members of the senate. When it does so, I will translate it with a capital letter as “Fathers.” Cicero also uses the Latin word *senator* to refer to a senator. The Latin words *senator* and *senatus*, “senate,” come from *senex*, “old man.” *Pater* can also mean “patricians” in general, a translation I use when needed.

¹⁰⁵Ennius, unassigned play fragments 402–3.

do not serve.¹⁰⁶ How could Sparta, while the training in its republic was thought to be excellent, attain a condition in which it employed good, just kings, when whoever was born of the royal family had to be king?¹⁰⁷ Moreover, who could tolerate the aristocrats [*optimates*], who arrogated this name for themselves not by concession of the people but by their own assemblies? In fact how is a man judged to be the best [*optimus*]? “By learning, arts, studies,” I hear. When * * *

[Four pages are missing.]

SCIPIO: * * * If it does so by chance, it will be overturned as quickly as a ship that had its helmsman chosen by lot from the passengers.¹⁰⁸ But if a free people will choose those to whom it entrusts itself and will choose entirely the best men (provided it wants to be safe), certainly the safety of cities depends on the best men’s judgments—especially since nature has provided not only that the highest men in virtue and mind should be in charge of the weaker, but also that the latter should be willing to obey the highest men. But they say that this best form has been overturned by the depraved opinions of men who, because of their ignorance of virtue—which is in few men and is judged and noticed by few—[sometimes] think that the best men are the prosperous and the rich, at other times that the best men are those born of a noble family. When, because of this error of the crowd, the wealth—and not the virtues—of a few has begun to control the republic, those leading men cling to the title of “the best men,” but they lack the substance. For riches, a title, and resources, when they are without judgment and a way of living and of commanding others, are full of dishonor and insolent haughtiness; and there is no more deformed species of a city than that in which the most prosperous men are considered the best. But what can be more splendid than virtue governing a republic? Then he who commands others is a slave to no desire; then he has embraced all the things in which he instructs his fellow citizens and to which he summons them; and he does not impose laws on the people that he does not obey himself, but he puts forward his own life as a law for his own citizens.¹⁰⁹ If one man could adequately achieve everything,

¹⁰⁶Scipio uses the plural “peoples” to make a general statement about cities.

¹⁰⁷In Sparta two kings from two families ruled simultaneously.

¹⁰⁸As the text resumes after the lacuna, Scipio gives arguments in favor of aristocracy. Here he refers to the possibility that the democracy will leave the selection of its rulers to lot, as Athens frequently did.

¹⁰⁹I follow Ziegler’s punctuation here instead of Powell’s, although there is no difference in meaning between the two.

there would be no need of more; if all men together could see what is best and agree on it, no one would ask for a select group of leading men. The difficulty of instituting a plan has transferred the thing [*res*] from a king to the many; the error and rashness of peoples have transferred it from the multitude to a few. Thus the aristocrats have held a midpoint between the feebleness of one man and the rashness of the many; nothing can be more moderate than that. When they are protecting the republic, peoples are necessarily happiest, being without any care and reflection, their leisure entrusted to others who should protect it and who should not be guilty of allowing the people to think that its interests are being neglected by the leading men. Equality [*aequabilitas*] in law, which free peoples cling to, cannot be preserved: peoples themselves, even when they are unrestrained and unbridled, assign many things of special importance to many men, and they pay great attention to men and their ranks. And what is called equality [*aequabilitas*] is most unfair [*iniquus*]: when equal honor is held between the highest men and the lowest, who are necessarily found among every people, fairness [*aequitas*] itself is most unfair [*iniquus*]. But that cannot happen in those cities that are ruled by the best men. These arguments and certain things of this kind, Laelius, are approximately the ones that are usually made by those who praise this shape of republic the most.

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LAELIUS: What about yourself, Scipio? Which of those three do you most approve?

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SCIPIO: You correctly ask which of the three I most approve, since I approve none of them in itself separately, and ahead of each of them I rank what was formed from all of them. But if I had to approve one simple [type], I would approve the kingly one * * * is called at this point, the name of king presents itself as if it were paternal, one who takes care of his own citizens as if they were born from him, and saving them more eagerly than * * * to be sustained by the diligence of one man, the best and highest. Here are the aristocrats, who promise that they can do this same thing better, and who say that there will be more judgment in several men than in one man, and nevertheless the same fairness and trust. But behold, the people shouts in its strongest voice that it is willing to obey neither one man nor a few, that not even to wild animals is anything sweeter than freedom, that all men lack this whether they serve a king or aristocrats. Thus kings captivate us by affection, aristocrats by judgment, peoples by freedom, so that in comparing, it is difficult to choose what you most want.

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LAELIUS: I believe so, but the remaining matters can hardly be explained if you leave this one unfinished.

SCIPIO: Therefore, I will emulate Aratus, who, commencing to speak about the greatest things, thinks that one should begin from Jupiter.¹¹⁰

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LAELIUS: Why Jupiter? Or rather, what is similar between this speech of ours and that poem?

SCIPIO: There is so much similarity that we may rightly take our start in speaking from him who, all educated and uneducated men agree, is the one king of all gods and human beings.

LAELIUS: Why [so]?

SCIPIO: Why do you think? Isn't it before your eyes? Perhaps the leading men of republics have established these things for the advantage of life, so that there might be thought to be one king in heaven who causes all Olympus to turn with a nod, as he states,¹¹¹ and so that the same one might be recognized as king and father of all. Great authority and many witnesses (if it is acceptable for all men to be called "many") show that the nations have agreed—namely, by the decrees of leading men—that nothing is better than a king, because they think that all gods are ruled by the majesty of one royal [god]. Or if, as we have learned, these things are based upon the error of the ignorant and are like fables, let us listen to the common teachers, so to speak, of accomplished men, who have seen as if with their eyes things that we scarcely learn by listening.

LAELIUS: Who are they?

SCIPIO: Those who, by tracing out the nature of all things, have felt that this entire universe [is ruled] by a mind * * *

[Four pages are missing, among which is probably the following fragment.]

LAELIUS: Therefore, if it pleases you, weave your speech from this point to these other matters.¹¹²

57
fragment

SCIPIO: * * * But if you wish, Laelius, I will give you witnesses neither too ancient nor barbarous in any way.

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LAELIUS: It is those I want.

SCIPIO: Then do you see that it is less than four hundred years that this city has been without kings?

LAELIUS: Yes, less.

SCIPIO: Well then, is this period of four hundred years exceedingly long for a city and a political community?

¹¹⁰Aratus's *Phenomena* opens with the words, "Let us begin from Jupiter."

¹¹¹Homer, *Iliad* 1.528–30.

¹¹²Nonius 85.18, 289.7.

LAELIUS: In fact it would barely be an adult.

SCIPIO: Then there has been a king at Rome within the past four hundred years?

LAELIUS: And a haughty one indeed.¹¹³

SCIPIO: Before that?

LAELIUS: A very just one,¹¹⁴ and back to Romulus, who was king six hundred years ago.

SCIPIO: Then even he is not ancient.

LAELIUS: Not at all, and when Greece was already growing old.

SCIPIO: Tell me, was Romulus king of barbarians?

LAELIUS: If, as the Greeks say, all persons are either Greeks or barbarians, I fear he was king of barbarians. But if that name should be given based on customs, not languages, I think that Greeks are no less barbarians than Romans.

SCIPIO: Yet for the purpose of what is being discussed, we are not asking about a nation; we are asking about intellects. If men who were prudent, and who were from not long ago, wanted to have kings, then I employ witnesses who are neither very ancient nor inhuman and wild.

LAELIUS: I see that you are well furnished with testimonies, Scipio. But to me, as to a good judge, arguments are worth more than witnesses.

SCIPIO: Then, Laelius, use an argument based on your own sentiment.

LAELIUS: What sentiment?

SCIPIO: If when—if by chance you have ever seemed to yourself to become angry with someone.

LAELIUS: Yes, more often than I would have wished.

SCIPIO: What? When you are angry, do you allow that anger to master your mind?

LAELIUS: No, by Hercules! But I emulate the famous Archytas of Tarentum, who, when he came to his villa and found everything in a condition other than what he had ordered, said to the overseer, "If I were not angry with you, unfortunate man, I would already have killed you by lashes!"

SCIPIO: Excellent. Then Archytas rightly [*ius*] regarded anger as a certain sedition of the mind—that is, in opposition to reason. And he wanted it to be settled by judgment. Add avarice, add the desire for command and glory, add lusts, and see this: if there is any regal command in human minds, it will be the mastery of one thing, judgment,

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¹¹³I.e., Tarquinius Superbus. *Superbus* means "haughty."

¹¹⁴I.e., Servius Tullius.

of course—for that is the best part of the mind. When judgment dominates, there is no place for lust, none for anger, none for rashness.

LAELIUS: So it is.

SCIPIO: Then you approve of a mind so disposed?

LAELIUS: Yes, nothing more.

SCIPIO: Then you would not approve if judgment were driven out and lusts—which are countless—or anger controlled all things?

LAELIUS: Yes, I would regard nothing as more wretched than that mind [*animus*], or than a man so animated [*animatus*].

SCIPIO: Then it seems good to you for all parts of the mind to be under a kingdom, and for them to be ruled by judgment?

LAELIUS: Yes, that seems good to me.

SCIPIO: Then why do you doubt what you should feel about the republic? If the thing has been transferred to several persons,¹¹⁵ one may understand that there will be no ruling command, which cannot exist unless it is united.

LAELIUS: What, I beseech [you], is the difference between the one and the several, if justice is in the several? 61

SCIPIO: Since I have come to understand that you are not strongly moved by my witnesses, Laelius, I will not stop using you as a witness to prove what I say.

LAELIUS: Me? In what way?

SCIPIO: I noticed lately, when we were at your villa in Formiae, you strongly ordered your household to obey the word of one man.

LAELIUS: By all means, the overseer.

SCIPIO: What about your home?¹¹⁶ Are many men in charge of your affairs there?

LAELIUS: On the contrary, one.

SCIPIO: What then? No one else but yourself rules your entire home?

LAELIUS: Certainly not.

SCIPIO: Then why don't you admit the same thing in the republic, that rule by men one at a time is best, provided they are just?

LAELIUS: I am drawn almost to the point of agreeing.

SCIPIO: Then you will agree more, Laelius, if I omit the similarities between one helmsman and one physician—that it is more correct to entrust a ship to the former, an ill man to the latter (provided they 62

¹¹⁵Again “thing” is the Latin *res*. The point is that when political control is in the hands of more than one person, there can be no effective command. *Res* in the sense of “property” is also relevant here, as Scipio probably anticipates asking Laelius about the management of his own property.

¹¹⁶I.e., in Rome.

are worthy in these arts), than to many men—and if I come to greater things.

LAELIUS: What are those?

SCIPIO: What? Don't you see that because of the harshness and haughtiness of one man, Tarquinius, the royal title fell into hatred among this people?

LAELIUS: Yes, I see.

SCIPIO: Then you also see this, about which I think I will say more as the speech proceeds:¹¹⁷ When Tarquinius¹¹⁸ was driven out, the people exulted in a certain amazing excessiveness of freedom. Then innocent men were driven into exile;¹¹⁹ then many persons had their goods torn away; then came annual consuls; then the rods were lowered before the people;¹²⁰ then came [the allowance of] appeals in all matters; then the secessions of the plebeians;¹²¹ then, in short, most of the things done so that everything was in [the hands of] the people.

LAELIUS: It is as you say.

SCIPIO: Yes, it is in peace and leisure as it is on a ship or often even in a trifling sickness: You may be lascivious while you fear nothing. But as both he who sails when the sea suddenly begins to grow rough and he who is ill with a worsening sickness implore the assistance of one man, so our people—who commands the magistrates themselves in peace and at home by threatening them, refusing them, appealing from one of them to another, appealing to the assembly of the people—yes, in war it obeys the magistrates as it would a king. Safety is worth more than lust. In fact in graver wars we have wanted all command to be in the possession of men one at a time even without a colleague, whose title itself indicates the force of the highest power. He is called a dictator because he is appointed [*dicere*].¹²² But in our books,¹²³ Laelius, you see he is called head of the people.

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LAELIUS: I see.

SCIPIO: Then wisely did those men from long ago * * *

[Two pages are missing.]

¹¹⁷See *Rep.* 2.53–55.

¹¹⁸Tarquinius Superbus. See *Rep.* 2.45–46.

¹¹⁹Apparently the reference is to Tarquinius Collatinus and the remaining Tarquin family. Collatinus was one of the first consuls in 509. He was forced to abdicate because he was related to Tarquinius Superbus.

¹²⁰Attendants (lictors) carried the bundle of rods (fasces) to symbolize the highest governmental authority. The attendants lowered the rods at an assembly of the people.

¹²¹See *Rep.* 2.57–58.

¹²²*Dicitur* is a form of the verb *dicere*, meaning “to speak” or “to appoint”; *dicere* is the root of *dictator*. On the dictatorship see *Rep.* 2.56 and *Leg.* 3.9.2.

¹²³The records of the augurs, who included Scipio and Laelius (and Cicero).

SCIPIO: * * * indeed when the people has been deprived of a just king, for a long time longing holds their hearts,¹²⁴ as Ennius states after the death of an excellent king,¹²⁵ 64

at once

They remind themselves thus: "O Romulus, Romulus divine,
What a guardian of the fatherland the gods begot in you!
O father, O begetter, O blood sprung from the gods . . ."

They do not call "lords" or "masters" those whom they justly obeyed, and not even "kings," but "guardians of the fatherland," "fathers," and "gods"—and not without cause. For what do they add?

You have led us forth into regions of light.

Life, honor, and glory were given to them through the justice of the king, they used to think. The same goodwill would have remained in their descendants if the similarity among kings had persisted. But you see that through the injustice of one man that entire type of republic fell.

LAELIUS: Yes, I see, and I am eager to learn that course of changes that exist no more in our own than in every republic.

SCIPIO: When I have said what I feel about the type of republic that I most approve, I will have to speak altogether more carefully about the changes in republics,¹²⁶ although I think they will happen not at all easily in that republic. The first, most certain change is the one in the kingly [republic]: when the king begins to be unjust, that type perishes on the spot, and the same man is a tyrant, the lowest type, yet neighbor to the best. If the aristocrats crush it, as usually happens, the republic has the second form of the three. This one—that is, of the senators—is as if it were kingly, the deliberation of leading men taking good care of the people. But if the people itself kills or throws out the tyrant, it is more moderate, as long as it is sensible and wise; and it rejoices at its deed, and it wants to protect the republic established by itself. If, when a people either brings force upon a just king and deprives him of the kingdom or (as happens more often) even tastes 65

¹²⁴The plural "their" refers to the singular "the people," in keeping with Cicero's use of both the plural "hearts" and a singular verb in connection with "the people." Cicero's violation of grammatical norms encourages the reader to consider the extent to which "the people" should be treated as a unity.

¹²⁵Ennius, *Annals* fragments 117–21.

¹²⁶Scipio does not speak further about changes in republics in any extant portion of the work.

the aristocrats' blood and subjects the entire republic to its own lust—beware lest you think that any sea or fire is so great that it is not more easily settled than a multitude newly unbridled in insolence—then there happens what Plato splendidly said, provided I can express it in Latin. It is difficult to do, but I will try. “When,” he says, “the insatiable throats of the people have become dry with the thirst for freedom, and in their thirst, having employed bad ministers, they have drained a draft of freedom not moderately tempered but too pure, then they censure, make charges against, reprove the magistrates and leading men, call them potentates, kings, tyrants—unless those officials are exceedingly lenient and relaxed and serve freedom to them plentifully.”¹²⁷ In fact I think you know these [words]. 66

LAELIUS: Yes, I know them very well.

SCIPIO: Thus he continues: “Those who obey the leading men are reproached by this people and called ‘willing slaves.’ But those magistrates who want to be like private men, and those private men who act as if there were no difference between private man and magistrate, are exalted with praises and rewarded with honors. In a republic of this type all things are necessarily full of freedom, every private house [*domus*] is without rule [*dominatio*], and this bad thing extends even to beasts. Finally father fears son; son disregards father; all shame is gone (hence men are entirely free); there is no difference between citizen and foreigner; teacher fears students and flatters them; students spurn teachers; young men assume the influence of old men for themselves; but old men stoop to the playing of young men so as not to be hateful and serious to them. From this it happens that even slaves carry themselves more freely; wives have the same right as men; and even dogs, horses, and asses have so much freedom while they run around freely that men must get out of their way. So from this unbounded licentiousness,” he says, “this point is conclusively proved: the minds of citizens turn out so dainty and soft that if the slightest force of command is displayed, they become angry and cannot endure. Then also they begin to disregard the laws, so that they are entirely without any master.” 67

LAELIUS: You have precisely expressed what he said. 68

SCIPIO: And now to return to my manner of speaking:¹²⁸ He states that a tyrant emerges and, so to speak, is born from this excessive licentiousness—which they think is the only freedom—as if from a

¹²⁷*Rep.* 1.66–68 paraphrases or draws on Plato’s *Republic*. For commentary see Zetzel, *Selections*, 152–55. But Zetzel is not completely accurate here: see the following note. *Rep.* 1.66–67 paraphrases 8.562c–563e.

¹²⁸I join Powell in reading *morem*, “manner,” instead of Ziegler’s and Zetzel’s *auctorem*, “authority.” I find unpersuasive Zetzel’s argument in his commentary that an emendation to *auctorem*

kind of root. For just as the untimely death of leading men springs from the excessive power of leading men, even so freedom itself visits this excessively free people with slavery. So all excesses, when things have been too favorable—in the weather, the fields, or human bodies—are usually changed into their opposite; and [it] happens most in republics. Among peoples and private men, excessive freedom collapses into excessive slavery. And so from this maximum freedom a tyrant is given birth—the most unjust and hardest slavery. For from this uncontrolled or rather monstrous people someone is usually chosen as leader against those leading men who have already been struck and driven from their place—someone daring, vile, often impudently hunting those who have deserved well of the republic, someone making presents to the people of both others' things and its own. Because as a private man he is exposed to fears, he is given powers of command that are renewed. Such men are even surrounded with guards, as was Pisistratus at Athens. Finally they emerge as tyrants over the same men who brought them forth.¹²⁹ If respectable men crush them, as often happens, the city is remade. But if daring men do so, [they] become that faction that is another type of tyranny—the same thing that often also springs from the splendid aristocratic form, when some depravity has deflected the leading men themselves from the correct way. So the form of the republic, as if it were a ball, is seized from kings by tyrants, then from them by leading men or peoples, then from them by either factions or tyrants. The same mode of republic is never maintained very long.

Since this is so, my opinion is that [of] the three primary types, the kingly one excels the others by far; but one that has been brought to a condition of equilibrium, and tempered from the three primary modes of republics, will excel the kingly one itself. That is to say, it seems good for there to be something preeminent and regal in the republic, for something else to be shared with and assigned to the authority of leading men, for certain things to be saved for the judgment and will of the multitude. This constitution has, first, a certain equality, which free men can scarcely be without for very long; second, a firmness, because those primary types are easily changed into their corresponding defects [*vitium*]¹²⁹—so that a master emerges from a king, a faction from aristocrats, a mob and confusion from the people—and because

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is necessary in order to prevent Scipio from claiming Plato's words as his own (*Selections*, 154). Rather Scipio is implying that his manner in this part of the argument is to give Plato's account as best he can. The next five sentences paraphrase Plato, *Republic* 8.563e-564a; the first of those five sentences also draws on 8.565d.

¹²⁹The previous four sentences draw on Plato, *Republic* 8.565c-566d.

those types themselves are often changed into new types. That does not usually happen in this combined, moderately mixed constitution of the republic unless there are great vices [*vitium*] in the leading men. For there is no cause for a revolution where each man has been firmly placed in his own station and there is nothing beneath him into which he may plunge and sink.

But, Laelius, and you, dearest and most prudent men, I fear that if I am too long engaged in this kind [of talk], my speech may seem to be that of an instructor and teacher, so to speak, not that of one who is considering [the subject] with you. Thus I will proceed to things that are known to all, which we inquired about some time ago. For so I determine, so I feel, so I affirm, that no republic should be at all compared in its constitution, arrangement, or training to the one that our fathers received from their ancestors and left to us from that time. If it seems good to you, since you also wanted to hear from me the things that you yourselves have a grasp of, I will show simultaneously both what sort it is and that it is the best. When our own republic has been explained as a model, I will tailor to it, if I can, the entire speech that I must give about the best form of the city. Now if I can hold to this and achieve it, I will have abundantly accomplished this service that Laelius put before me, in my opinion. 70

LAELIUS: Yes, your service, Scipio, and indeed yours alone. Who is more able than you to speak about our ancestors' institutions, since you yourself are from the most famous ancestors? Or who is more able to speak about the best form of the city? And if we should obtain it (although [we do] not [have it] even now), then who indeed could be more illustrious than you? Or who is more able to speak about plans providing for the future, since you have shown foresight for the entire future by driving away two terrors from this city?¹³⁰ 71

Fragments (Speakers Uncertain)

1. Nor would Carthage have had so many resources for nearly six hundred years without judgment and training.¹³¹

2. "By Hercules," he said, "learn this habit, and the eagerness and conversation . . ." ¹³²

¹³⁰I.e., Carthage and Numantia.

¹³¹Nonius 526.8. This is fragment 1f from bk. 1 in Ziegler's text.

¹³²Nonius 276.6.

Book 2

SCIPIO: * * * This is from Cato¹ as an old man. As you know, 1
I uniquely cherished and greatly admired him. I dedicated myself en-
tirely to him from my youth because of the judgment of both of my
fathers and my own eagerness. His speech could never sate me. That
man's experience in public affairs—which he managed both at home
and abroad exceedingly well and for a very long time—was very
great, as were his way of speaking, his wit mixed with seriousness,
his utmost eagerness for learning or teaching, and the complete con-
gruence of his life with his speech. He used to say that the form of our 2
city excelled that of other cities owing to this cause: In the others there
were usually men who singly established their own republic by their
own laws and institutions, such as Minos of the Cretans, Lycurgus of
the Spartans, and from the Athenians, whose form was changed very
often, first Theseus, then Draco, then Solon, then Cleisthenes, then
many others; finally, when it was drained of blood and prostrate, the
educated man Demetrius of Phaleron sustained it. But our republic
was the result of the intellect of not one man but many; it was estab-
lished not during one man's life but over several generations and eras.
He would say that there had never been anyone at any time whose
intellect had been so excellent that nothing escaped it, and that all
the intellects at one time, brought together as one, could not foresee
enough to comprehend everything without experience in things and
the passage of time. Thus, as he used [to do], so now my speech will 3
recall the "origin" of the Roman people (I gladly use even the word of
Cato).² Moreover, I will more easily achieve what has been proposed
if I show you our republic being born and growing and adult and then

¹Marcus Porcius Cato (1).

²The reference is to the history *Origines* (*Origins*) by Marcus Porcius Cato (1).

steady and hardy, than if I fashioned one for myself, as Socrates [does] in Plato's work.

All of them approved of this.

4

SCIPIO: What established republic has a beginning so clear and well known to all as the start of the founding of this city commenced by Romulus? He was born of the father Mars—let us yield to the human tradition, especially to one not only inveterate but also wisely put forth by our ancestors, that those who deserved well in communal affairs should be considered divine by race, not only by talent. When he was born, it is said that Amulius, the Alban king, ordered him to be exposed near the Tiber with his brother Remus because of fear that he would overthrow the kingdom. He was sustained there by a suckling beast of the woodlands, and shepherds carried him off and nourished him through training in rural things and labor. It is asserted that, when he grew up, he so excelled others in bodily strength and fierceness of spirit that all persons who inhabited those fields, where today this city is, calmly and willingly obeyed him. When he showed himself to be the leader of their troops (to come now from fables to facts), it is reported that he crushed Alba Longa, a strong and powerful city for those times, and slew King Amulius.

It is said that, having obtained that glory, he first thought to found a city, after the auspices had been taken,³ and to make a lasting republic. He chose for the city a location—which he who tries to sow a long-lasting republic must most attentively foresee—of incredible favorableness. He did not locate it near the sea—as would have been easiest for him with the troops at hand—in order to advance on the territory of the Rutuli and the Aborigines or in order to found the city at the mouth of the Tiber, where many years later King Ancus founded a colony.⁴ This man, with excellent foresight, sensed and saw that maritime sites are not the most favorable for cities founded with the hope of being long lasting and commanding, primarily because maritime cities are exposed to dangers that are not only many but also hidden. Adjacent land gives prior notice of enemies' arrivals, not only those that are expected but also those that are sudden, by many indications—both a kind of din, so to speak, and even a loud sound. No enemy can rush forward on land without our being able

5

6

³See *Rep.* 2.16.

⁴The territory of the Rutuli and the Aborigines was south of Rome, near Ardea or Laurentum. King Ancus Marcius's colony at the mouth of the Tiber River was Ostia, the seaport of Rome.

to know not only that it is present but also who and whence it is. But the maritime, naval enemy can be present before anyone can suspect that it will come. And when it comes, it does not disclose what sort it is or whence it comes or even what it wants—in short not even a single sign so that one can discern and judge whether it is peaceful or hostile. In addition maritime cities contain a certain corruption and change of customs. For they are entangled in new topics of conversation and teachings, and they import not only foreign merchandise but also customs, so that nothing in their paternal institutions can remain untouched. And those who inhabit these cities do not stick to their residences, but they are always drawn farther from home by winged hope and reflection; and even when they remain in body, in spirit they are exiles and roam. In fact nothing ever did more to ruin both Carthage and Corinth,⁵ though they had been shaken for a long time, than this wandering and scattering of their citizens, because they left behind the cultivation of fields and arms out of a desire for trading and sailing. Moreover, the sea supplies many things, either captured or imported, that are invitations to luxury and ruinous to cities. Even the pleasantness itself holds many expensive or slothful enticements to desires. What I said about Corinth may probably be said most truly about all Greece. The Peloponnesus itself is almost entirely on the sea, and there are none besides the Phliasians whose territory does not touch the sea, and outside the Peloponnesus only the Aenianes, the Dorians, and the Dolopes are away from the sea. Why do I need to speak of the islands of Greece? Surrounded by billows, they almost float along with the institutions and customs of cities. And of course that pertains to old Greece, as I said before. Of the colonies that the Greeks founded in Asia, Thrace, Italy, Sicily, and Africa, which does the wave not wash against, with the sole exception of Magnesia?⁶ A kind of seacoast of Greece seems to have been woven, so to speak, onto the barbarians' territories. Certainly none of the barbarians themselves were originally maritime except the Etruscans and the Phoenicians—the latter for trading, the former for robbing. The cause of the bad things and changes in Greece is clear from the defects of maritime cities that I touched upon very briefly a little while ago. Nevertheless, in these defects there is this great convenience: whatever has been produced anywhere can be brought by sea to the city you inhabit, and in return you⁷ can carry and send what your fields bring forth to whatever lands you want.

⁵Rome destroyed Carthage and Corinth in 146.

⁶The reference is probably to the city on the Maeander River in Asia Minor.

⁷Literally, "they." The rest of the sentence is also cast in the third person.

How, therefore, could Romulus have more divinely embraced maritime advantages while avoiding the defects than by placing the city on the bank of a river with an even current that flows broadly into the sea throughout the year? Because of it, the city could both take from the sea what it lacked and dispense that with which it overflowed, and by this same river it could not only absorb from the sea things necessary for living and cultivating but also take from land things carried in.⁸ Thus it seems to me that by then he had already divined that this city would someday show itself to be the seat and home of the highest empire; for a city placed in any [other] part of Italy would hardly have been able to maintain more easily such power over things. Moreover, who is so unobserving as not to recognize the native defenses of the city itself, which are distinctly marked and identified? The wisdom of Romulus and later kings marked out the course and direction of its wall, with steep and rugged hills on each side, so that the one approach between the Esquiline and the Quirinal Hills was surrounded by a very large mound built as an obstacle and by a very deep ditch. And the citadel, fortified by steep surroundings, rested on a rock that was, so to speak, cut off on every side. Thus it remained safe and untouched even during the terrible time of the Gallic arrival.⁹ And he chose a place abounding in springs and healthful in a noxious region; for there are hills that [breezes] blow through and that bring shade to the valleys.

And he accomplished these things very quickly: he both established a city, which he ordered to be named Rome after his own name, and followed a new, somewhat crude plan for strengthening the new city. Yet it was a plan that, in fortifying the resources of kingdom and people, came from a man great and even then very farsighted: he ordered the seizure of the Sabine maidens, born of honorable lineage, who had come to Rome for the games (which he had then begun for the first time to make annual, during the Consualia in the circus),¹⁰ and he had them married into the most distinguished families. When the Sabines made war on the Romans for that reason, and the battle was back and forth and indecisive, he struck a treaty with Titus Tatius, king of the Sabines, at the begging of the very matrons who had been seized. Through this treaty he admitted the Sabines to citizenship by sharing sacred rites, and he united his kingdom with their king. But after the

⁸Scipio exaggerates the navigability of the Tiber.

⁹In 390. Scipio suggests that Romulus and later kings anticipated the building of the Servian Wall, which did not occur until the fourth century.

¹⁰The Consualia was a festival dedicated to Consus, god of the harvest. The altar of Consus was underground, beneath the Circus Maximus.

untimely death of Tatius,¹¹ when all rule returned to him—although with Tatius he had chosen leading men for a royal council, who were called Fathers because of affection—and when he arranged the people into three tribes under his own name, that of Tatius, and that of Lucumo, Romulus’s ally who had fallen in the Sabine battle,¹² and into thirty divisions, which he named curiae from the names of those maidens seized from the Sabines who had afterward been suppliants for peace and the treaty—although those things were delineated when Tatius was alive, after he was killed Romulus reigned much more according to the authority and deliberation of the Fathers.

In doing this he first saw and decided the same thing as what Lycurgus at Sparta had seen a short while before: cities are better governed and ruled by a single man’s command and royal power if the authority of each excellent man has been added to that dominating force.¹³ Thus, having been supported and fortified by this council and quasi senate, he very fruitfully waged many wars with neighbors; and although he carried back no booty to his own home, he did not cease to make his citizens opulent. 15

In addition Romulus submitted to the taking of auspices to the greatest extent¹⁴—something we retain today to the great safety of the republic. He founded the city after having taken the auspices himself, an act that was the start of the republic; and in beginning all public matters he chose one augur from each tribe to be present with him as colleagues in taking the auspices; and he had the plebeians arranged into bodies of clients under the leading men—the advantage of which we will see later¹⁵—and he kept persons within bounds not by force and physical punishments but by declaring fines in sheep and cows (property was then in terms of cattle [*pecus*] and possession of places [*locus*], from which come the terms “moneyed” [*pecuniosus*] and “opulent” [*locuples*]). 16

When Romulus had reigned thirty-seven years and had devised these two extraordinary foundations of the republic, the taking of auspices and the senate, he had achieved so much that when he did not appear after a sudden obscuring of the sun, he was thought to have been placed among the group of the gods. No mortal could ever 17

¹¹Scipio hints that Titus Tatius was murdered. The complex structure of this long sentence in English reflects the Latin. According to Zetzel (*Selections*, 170) that structure, including the repetition, “seems to be an attempt to imitate conversational style.”

¹²See *Rep.* 2.36.

¹³Scipio implies that when a senate exists to provide “authority and deliberation,” the king’s power is not so “dominating” as it would otherwise be.

¹⁴Or “for the most part.”

¹⁵That discussion is not extant.

have attained that opinion without outstanding glory based on his virtue. And that should be admired more in the case of Romulus. Others who are said to have become gods from human beings were of less accomplished human eras, so the process of fabricating was easy because the ignorant were easily urged to believe. But we notice that the age of Romulus was less than six hundred years ago, when literature and learning were already of long duration, and all of the earlier error from uncivilized human life had been eliminated. For if, as it is traced from the annals of the Greeks, Rome was founded in the second year of the seventh Olympiad,¹⁶ Romulus's lifetime fell in the age when Greece was already full of poets and musicians and less trust was held in fables, except the ones concerning things from long ago. The first Olympiad was placed 108 years after Lycurgus began to write laws.¹⁷ Because of an error concerning names, certain men think that it was established by the same Lycurgus. In any case, those who give the latest date put Homer about thirty years before the age of Lycurgus. From this it can be understood that Homer was very many years before Romulus. Consequently, since there were already educated men, and the times themselves were accomplished, there was scarcely any room for fabricating. Antiquity was receptive to fables that were sometimes even crudely fabricated; but this mocking age, which was even then especially cultivated, rejected everything that could not happen.¹⁸ * * *

[A few lines are missing. As reliable text resumes, Scipio is speaking of Romulus.]

SCIPIO: * * * [Stesichorus,] his¹⁹ grandson by his daughter, as certain men have said. And he died the same year as Simonides was born, in the fifty-sixth Olympiad. From that it can be more easily understood that the report of Romulus's immortality was believed at a time when civilized human life was already treated as, and known to be, of long duration. But surely there was such force of talent and of virtue in him that what human beings from many generations before had believed about no other mortal was believed about Romulus on the authority of Proculus Iulius, a rustic. Under pressure from the Fathers, who were

¹⁶In 751, which differs from the now-traditional date 753. An Olympiad was a four-year period between Olympic Games.

¹⁷The first Olympiad occurred 776–773.

¹⁸The text of *Rep.* 2.19 comes from Augustine, *On the City of God* 22.6.

¹⁹I.e., Hesiod's.

dispelling ill will from themselves over Romulus's untimely death, he is reported to have said in an assembly that he had seen Romulus on the hill now called Quirinal, and that Romulus had commanded him to ask the people that a shrine be made for him on that hill, and that he was a god and was called Quirinus.

Do you see, then, that by means of the judgment of one man, not only did a new people rise, but it was already adult and almost of ripe age—not like one left crying in a cradle? 21

LAELIUS: Yes, we see, and in fact we see that you have begun a new plan of arguing, which is nowhere in the books of the Greeks. That leading man,²⁰ to whom no one was superior in writing, took a piece of ground for himself on which he built up a city according to his own choice—admittedly splendid, perhaps, but inappropriate for human life and customs. The others have discussed the types and principles of cities without any certain pattern and shape of republic.²¹ You seem to me to be about to do both:²² you have begun in such a way that you prefer to credit others with what you find instead of fabricating as Socrates does in Plato's work; and you ascribe to reason those things concerning the site of the city that Romulus established by chance or necessity;²³ and you argue not in a roaming speech but about one fixed republic. So continue as you have begun. As you follow the remaining kings to the end, I seem already to foresee the republic fully developed, so to speak. 22

SCIPIO: Therefore, when Romulus's senate, which consisted of aristocrats (whom the king himself credited so much that he wanted them to be named "Fathers" [*pater*] and their children "patricians" [*patri-cius*]), attempted after Romulus's departure to rule the republic by itself without a king, the people did not tolerate it and, out of longing for Romulus, thereafter did not cease to demand a king. Then those leading men prudently thought out a plan for instituting a period of interim rule that was new and unheard-of by other nations: until a certain king was proclaimed, the city would be neither without a king nor with one long-lasting king, and it would not happen that someone with long-standing power would be either too slow in laying aside 23

²⁰I.e., Plato.

²¹According to Keyes's note in his translation, Cicero has in mind Aristotle. But Aristotle's *Politics* does offer an account of the best form of political organization. In his commentary Zetzel claims that the reference is to Aristotle's followers, the Peripatetics (*Selections*, 179).

²²I.e., Laelius says that Scipio is about to combine Plato's focus on one republic with "the others'" focus on "the types and principles of cities." Zetzel, *Selections*, 178.

²³Socrates creates a "city in speech" in Plato's *Republic*. Laelius says that Scipio fabricates in a different way when Scipio gives credit to others for the creation of the republic.

command or too fortified for maintaining it.²⁴ Even then, this new
 people saw what had escaped the Spartan Lycurgus, who held that
 the king should not be chosen (if this was in Lycurgus's power) but be
 retained, whatever sort he was, provided he had been begotten from
 the lineage of Hercules. Those rustics of ours saw even then that regal
 virtue and wisdom, not family, ought to be sought. Since tradition re-
 ported that Numa Pompilius was superior in those things, the people
 itself passed over its own citizens and, with the Fathers in authority,
 received for itself a foreigner as king and summoned him, a Sabine
 man from Cures, to Rome to reign. Although the people, through the
 curiate assembly, had approved him to be king, when he came here
 he provided a curiate law concerning his own power of command.²⁵
 And when he saw that Romans were kindled with eagerness for war
 because of Romulus's instruction, he thought they should be turned
 back from that habit to a slight extent.

First he divided for the citizens man-by-man the fields that Romu-
 lus had taken in war, and he taught them that by cultivating the fields
 they could abound in all conveniences without pillaging and booty.
 He also infused them with a love of leisure and peace, through which
 justice and trust most easily grow strong, and under the protection of
 which the cultivation of fields and the reaping of their fruits are maxi-
 mally defended. Moreover, the same Pompilius invented the "greater
 auspices," added two augurs to the original number, and set five pon-
 tifices from the group of leading men in charge of the sacred rites. And
 by these promulgated laws—which we retain in written records—he
 softened through religious ceremonies the spirits that were burning
 with the habit of, and the desire for, making war. He also added the
 Flamines, the Salii, and the Vestal Virgins, and he set up all aspects
 of religion with the greatest sanctity.²⁶ Furthermore, he wanted the
 performance²⁷ of those sacred rites to be difficult but the equipment

²⁴Scipio's thought seems to be that a king who was "too fortified" would become careless and thus apt to lose power.

²⁵Participation in the curiate assembly (*comitia curiata*) was based on the thirty *curiae*, membership of which was determined by birth and included patricians and plebeians. During the kingdom the curiate assembly selected the new king and then passed a law to confer the power of command (*imperium*). During the republic the powers of the curiate assembly included the election of priests.

²⁶The pontifices referred to in this sentence were members of the college of priests having supreme authority in Roman public religion. The Flamines were priests of particular deities; the major deities were Jupiter, Mars, and Quirinus. The Salii were priests of Mars whose service involved military activity. The Vestal Virgins were celibate priestesses who maintained the sacred fire within the Temple of Vesta in the Roman Forum.

²⁷Literally, "care."

for them to be very simple: he established many things that had to be learned thoroughly and observed, but without expenditure. So he added effort to performing²⁸ religious duties, but he removed the expense. The same man invented marketplaces, games, and all causes and celebrations for coming together. By introducing those things, he restored to humanity and tameness human spirits, which were then monstrous and wild with eagerness for making war. When he had reigned thirty-nine years in utmost peace and concord—above all we follow our friend Polybius, than whom no one was more diligent in carefully working out dates²⁹—he departed from life, having strengthened the two most splendid things for the long life of a republic, religion and mildness.

MANILIUS: Has it been truthfully handed down, Africanus, that this King Numa was a student of Pythagoras himself or at least a Pythagorean? We have often heard this from our elders, and we understand that the crowd thinks so. Yet we see that it has not been proclaimed with sufficient authority in the public annals. 28

SCIPIO: It is entirely false, Manilius, not merely fabricated but ignorantly and absurdly fabricated. And falsehoods that we notice to have been not [only] fabricated but also quite impossible certainly must not be tolerated. It has been ascertained that Pythagoras came to Sybaris, Croton, and those parts of Italy during the fourth year of the reign of Lucius Tarquinius Superbus, for the same sixty-second Olympiad marks the beginning of Superbus's kingdom and Pythagoras's arrival.³⁰ From this it can be understood, when we have counted the 29 years of the kings, that Pythagoras first reached Italy about 140 years after Numa's death. That has never been subject to doubt among those who have most diligently and thoroughly followed the annals of the times.

MANILIUS: Immortal gods, what an error that is, and how long it has lasted among human beings! Nevertheless, I am content with the fact that we are accomplished not in arts that have been imported from overseas but in native, domestic virtues.

AFRICANUS: And you will recognize this much more easily if you see the republic proceeding and coming into its best form along a certain natural path and course. Indeed you will conclude that our 30

²⁸Literally, "worshipping" or "cultivating."

²⁹According to Polybius (6.11a.2) Pompilius reigned 712/1–673/2. According to Livy (1.21) he reigned forty-three years.

³⁰The sixty-second Olympiad occurred 532–529. Cicero's date (which follows Polybius's chronology) for the beginning of Tarquinius Superbus's reign differs from the traditional date.

ancestors' wisdom should be praised for this very fact because you will understand that many things taken from somewhere else have been done much better by us than they had been whence they had been brought and where they had first existed. And you will understand that the Roman people has been strengthened not by chance but by deliberation and training, yet not when fortune opposes.

When King Pompilius was dead, the people elected Tullus Hostilius king in the curiate assembly, with an interim ruler making the formal proposal; and, in accord with the example of Pompilius, Tullus Hostilius consulted the people by division [*curiatim*] concerning his own power of command. His excellent glory from military skill and his great and bellicose deeds were manifest. The same man built and enclosed the Comitium and the Curia with money from the sale of booty.³¹ He also established a law according to which wars would be declared—which he himself most justly invented and consecrated through fetial rites³² so that every war that was not proclaimed and declared would be judged unjust and impious. And so that you may observe how wisely our kings even then saw that certain things should be granted to the people—I must say many things about this subject—Tullus did not even dare to use the royal symbols except by order of the people. So that he might be allowed to have twelve lictors precede with the rods * * *

[Two pages are missing.]³³

LAELIUS?: * * * in the conversation you³⁴ have begun, the republic does [not] creep but flies into its best form. 33

SCIPIO: After him³⁵ the grandson³⁶ of Numa Pompilius by his daughter was established as king by the people, and he also provided a curiate law concerning his own power of command. When he had completely conquered the Latins in war, he admitted them to citizenship. The same man also added the Aventine and Caelian Hills to the

³¹The Comitium was the original meeting place for public assemblies. The Curia was the senate house.

³²The fetial rites concerned relations with other political societies, particularly declarations of war and treaties of peace.

³³I follow Powell, who leaves sec. 32 empty. In Ziegler's text, sec. 32 consists of Augustine (*City of God* 3.15), who supplies the gist of part of what is missing here: Like Romulus, Tullus Hostilius was killed by a thunderbolt. But he was not deified, possibly because the Romans thought that doing so would have lessened Romulus's status.

³⁴Singular.

³⁵I.e., Tullus Hostilius.

³⁶I.e., Ancus Marcius.

city, divided the territories he had taken, made public all the maritime forests he had taken, founded a city at the mouth of the Tiber,³⁷ and strengthened it with colonists. When he had reigned twenty-three years, he died.

LAELIUS: That king should also be praised. But Roman history is obscure if it is really the case that we recognize that king's mother but are ignorant of the father.

SCIPIO: So it is. But of those times little more than kings' names has been brought to light. Still at this point the city seems first to have become more educated by a certain engrafted training. It was not some thin, small brook that flowed into this city from Greece but an overflowing river of that training and those arts. They report that there was a certain Demaratus of Corinth, easily a leading man of his city in honor, authority, and property. When he could not bear the tyrant Cypselus of Corinth, he is said to have fled with much money and taken himself to Tarquinii, a most flourishing city of Etruria. When he heard that Cypselus's domination had been strengthened, that free and courageous man became an exile,³⁸ and he was admitted as a citizen by the Tarquinians and established a domicile and residence in that city. When he had fathered two sons³⁹ there by the Tarquinian matron of his house, * * * them in all arts for the Greeks' teaching * * *

34

[Two pages are missing.]

SCIPIO: * * * [when] he⁴⁰ had been easily received into the city, because of his humanity and learning he became a close friend of King Ancus, to the point where he was considered a partner in all deliberations and almost an associate in the kingdom.⁴¹ Besides, there was in him the utmost kindness, the utmost benevolence toward all citizens in respect of assistance, aid, defense, even generous giving of money. And so, when Marcius died, he was elected king as Lucius Tarquinius by all the votes of the people, for he had changed his name from his Greek name so that he seemed to have emulated the habits of this people in every respect.⁴² After he provided a law concerning his own

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³⁷I.e., Ostia, the seaport of Rome.

³⁸Literally, "fled the fatherland."

³⁹I.e., Lucumo (the Etruscan name for Tarquinius Priscus) and Ar(r)uns.

⁴⁰I.e., Tarquinius Priscus.

⁴¹I follow Ziegler's punctuation here instead of Powell's because the mention of Tarquinius Priscus's "humanity and learning" seems to have been a reason for Ancus Marcius's making him a partner, more than a reason for Priscus's being easily accepted at Rome.

⁴²As Cicero knows but conspicuously omits, Tarquinius Priscus's original name was Etruscan, not Greek.

power of command, at the beginning he doubled the original number of Fathers, and he called the old Fathers “from the greater families” whose opinion he asked first, and “from the lesser” those admitted by himself. Then he established the cavalry according to the custom that has been retained until now. Although he desired to change the names of the Titienses, the Rhamnenses, and the Luceres,⁴³ he could not do so because the augur Attus Navius, very high in glory, did not authorize it. [[I see that the Corinthians also were formerly diligent in allotting public horses and feeding them by means of payments from orphans and widows.]]⁴⁴ Nevertheless, having added second sections to the first sections of the cavalry, he made twelve hundred knights and doubled the number. [[Afterward he subdued in war the nation of the Aequi, who were great, fierce, and threatening the affairs of the Roman people.]]⁴⁵ After he also repelled the Sabines from the walls of the city, he routed them with cavalry and completely conquered them in war. We have accepted that he also established the greatest of games, which are called the [Ludi] Romani, and that he vowed in the Sabine war during the battle itself that he must make a temple to Jupiter the Best and Greatest on the Capitol.⁴⁶ He died when he had reigned thirty-eight years.

LAELIUS: Now that [statement] of Cato’s becomes more certain: the constitution of a republic is not the work of one time or of one man. For it is clear how great an addition of good and advantageous things is made with each successive king. But he who follows seems to me to have seen the farthest of all in the republic.

SCIPIO: So it is, for after him it is recorded that Servius Tullius was the first to have reigned without the order of the people. They report that he was born of a Tarquinian slave woman after having been conceived by a certain client of the king. Although he was brought up [among] the group of servants, he assisted at the king’s banquets; the spark of talent that even then shone in the boy was not hidden.⁴⁷ He was skilled in every duty and topic of conversation. And so Tarquinius, who then had very small children, cherished Servius so much that the crowd held him to be his son. With utmost eagerness and

⁴³These were the three tribes mentioned in *Rep.* 2.14.

⁴⁴I follow Powell, who suggests that the words in double brackets were not originally located at this point in the text and may have been added by someone else; but because they may be Cicero’s own words, Powell does not delete them.

⁴⁵See the previous note.

⁴⁶The Ludi Romani commemorated the building of the temple—for which see *Rep.* 2.44.

⁴⁷The “spark” is Cicero’s substitute for the story of a halo of fire appearing around Servius Tullius’s head (Liv. 1.39).

in accordance with the most refined habits of the Greeks, Tarquinius made Servius accomplished in all those arts that he himself had learned. But when Tarquinius perished in a plot by Ancus's sons, Servius began to reign not by the order of the citizens, as I said before, but by their goodwill and concession. When Tarquinius was falsely said to have been ill from his wound and alive, Servius administered justice in royal dress and freed debtors with his own money; and, having used much kindness, he represented himself as administering justice by the order of Tarquinius. He did not entrust himself to the Fathers; but when Tarquinius was buried, he himself consulted the people concerning himself; and, having been approved to reign, he provided a curiate law concerning his own power of command. First he avenged by war the injuries from the Etruscans; * * *

[Two pages are missing.]

SCIPIO: * * * eighteen [centuries] of the greatest money qualification. Then,⁴⁸ having separated a great number of knights from the entire people as a whole, he distributed the remainder of the people into five classes, and he divided the older from the younger; and he parted them in such a way that the votes were in the power of the opulent, not the multitude; and he took care that the greatest number should not be the strongest—something that should always be maintained in a republic. If this distribution were unknown to you, I would explain it. As it is, you see the matter to be such that the centuries of knights with six votes⁴⁹ and the first class, with the century added that was given to the carpenters for their utmost usefulness to the city, constitute 89 centuries. If only 8 of the 104 centuries (that many were remaining) sided with them, the whole force of the people was demonstrated,⁵⁰ * * * and the much greater remaining multitude in the 96 centuries would be neither excluded from the suffrage, for that would be haughty, nor too strong, for that would be dangerous. In this he was attentive even as far as words and names themselves because he called opulent men

⁴⁸Scipio proceeds to describe the centuriate assembly (*comitia centuriata*) created by Servius Tullius. The second half of *Rep.* 2.39 describes the republican reform of that assembly, while *Rep.* 2.40 returns to Servius's own work. The flow of the speech suggests that Scipio thinks that the republican reform did not fundamentally alter the Servian plan. See J.J. Nicholls, "Cicero *De re publica* 2. 39–40 and the Centuriate Assembly," *Classical Philology* 59 (April 1964): 102–5.

⁴⁹The meaning is uncertain. The "votes" may refer to other centuries added by Tarquinius Priscus or Servius Tullius. See Zetzel, *Selections*, 195.

⁵⁰I.e., if only 8 of the 104 centuries sided with the 89 centuries, the upper class controlled a majority of the centuries.

“money-givers” from their giving money,⁵¹ and those who brought to the census no more than eleven hundred asses⁵² or altogether nothing except their own persons he named “child-givers” [*proletarius*], as from them, so to speak, a child [*proles*], that is, an offspring of the city, seemed to be expected. In one century there were then thought to be almost more than in the entire first class. So no one was denied the right to vote, but the man who exerted the most influence in the vote was the one who was most concerned for the city to be in its best form. But even to the auxiliaries, the trumpeters, the horn-blowers, the proletarians * * *

[Four pages are missing.]⁵³

SCIPIO: * * * sixty[-five] years older, because it had been founded thirty-nine years before the first Olympiad.⁵⁴ In very ancient times, the famous Lycurgus saw almost the same things. So this equilibrium [*aequabilitas*] and this threefold type of republic seem to me to have been in common between us and those peoples. But if I can, I will pursue more exactly what is appropriate to our republic and unsurpassably splendid because nothing of that sort is found in any [other] republic. Now the things that I have explained so far were mixed in this city and in those of the Spartans and the Carthaginians so that they were not tempered in any way.⁵⁵ In a republic where there is one man with perpetual power, especially royal—even if there are in it both a senate, as there was at Rome when there were kings and at Sparta under the laws of Lycurgus, and even some right of the people, as there was with our kings—nevertheless, that royal name is eminent, and a republic of this sort cannot be called, or be, anything but a kingdom. Moreover, the shape of this city is very changeable for this reason: when it has plunged in the most ruinous direction through one man’s vice, it most easily sinks. Not only is the regal type of city not reprehensible, but

⁵¹Cicero derives the word for “money-givers,” *assidui*, from *aes*, “bronze” (or “money” in general), and *dare*, “to give.”

⁵²An as (plural, asses) was the basic unit of coinage in early Rome.

⁵³I follow Powell, who leaves sec. 41 empty. In Ziegler’s text, sec. 41 consists of what in Powell’s text is fragment 5 at the end of bk. 2.

⁵⁴Scipio is apparently speaking of Carthage, founded in 815 according to Cicero’s chronology (another tradition has 814/3).

⁵⁵I.e., the monarchic, aristocratic, and democratic elements were all present in the time of the Roman kingship, but they were “not tempered”—not modified so as to accommodate one another. The Spartan government consisted of two kings; five ephors; a body of twenty-eight elders, the *gerousia*; and an assembly of the people. The Carthaginian government consisted of two magistrates, the *suffetes*; a senate of three hundred (a committee of thirty senators was active at a given time); and an assembly of the people.

it should probably far outrank the other simple ones (if I should approve any simple type of republic)—but only as long as it retains its own form. And this form is that in which the citizens' safety, equality [*aequabilitas*],⁵⁶ and leisure are ruled by the perpetual power, justice, and entire wisdom of one man. Altogether many things are lacking for a people who is under a king—in the first place freedom, which does not consist in employing a just master, but * * *

[Two pages are missing. As the text resumes, Scipio is speaking of Lucius Tarquinius Superbus.]

SCIPIO: * * * they brought; and favorable fortune accompanied that unjust, pitiless master for a while in managing affairs. He completely conquered all of Latium in war and took the prosperous, loaded city of Suessa Pometia; and having been made opulent by the greatest booty of gold and silver, he completely discharged his father's vow by building the Capitol; and he founded colonies; and, following the institutions of those from whom he was born, he sent magnificent gifts as, so to speak, sacrificial offerings from the booty to Apollo at Delphi. 44

At this point that circle will now come round—the natural motion and revolution of which you must learn to recognize from the beginning. The source of political prudence, with which this entire speech of ours deals, is to see the paths and bends of republics so that when you know how each thing inclines, you can hold it back or run to meet it first. Now that king of whom I speak, having first been stained by the slaughter of an excellent king,⁵⁷ was not of sound mind, and because he himself feared the utmost penalty for his crime, he wanted to be feared himself. Then, resting on victories and riches, he ran riot with insolence, and he could control neither his manners nor the lusts of his own [family]. And so, because his elder son brought force to bear upon Lucretia, daughter of Tricipitinus and wife of Collatinus, and the modest, noble woman punished herself for that injury with death, at that time Lucius Brutus, a man preeminent in talent and virtue, removed from his fellow citizens the unjust yoke of hard slavery. Although he was a private man, he sustained the entire republic, and he was first in this city to teach that no one is a private man when preserving citizens' freedom. With him as an authority and leading man, the city was aroused by this recent complaint of Lucretia's father and relatives and by the recollection of Tarquinius's haughtiness and the many injuries from him and his sons; and it 45 46

⁵⁶I.e., equality under law.

⁵⁷I.e., Servius Tullius. Cicero alludes to his murder by Tarquinius Superbus.

ordered the king himself, his sons, and the family of Tarquinians into exile. Do you see, therefore, that a master emerged from a king, and that by one man's vice one type of republic was changed from good into the worst? Here is a master of the people, whom the Greeks call a "tyrant." For they want a "king" to be a man who takes care of the people as a parent does, and who preserves those of whom he has been put in charge in the best condition of living—to be sure, a good type of republic, as I have said. Nevertheless, it is inclined and, so to speak, prone to the most ruinous form. At the moment when this king turned to a more unjust mastery, he immediately became a tyrant; no animal more horrid, foul, or hated by gods and human beings can be thought of than that. Although he has the figure of a human being, he surpasses the most immense beasts in monstrosity of habits. Who could rightly call a "human being" one who wants for himself no sharing in justice, no fellowship of humanity with his fellow citizens or even with the entire human race? But there will be another, more suitable place for speaking on this subject when the matter itself reminds us to speak about those who have desired domination even in an already freed city.⁵⁸

You have, therefore, the first birth of a tyrant. The Greeks wanted this name to be for an unjust king, but we have been accustomed to call all men "kings" who alone have had perpetual power over peoples. And so Spurius Cassius,⁵⁹ Marcus Manlius, and Spurius Maelius were said to have wanted to seize royal power, and recently * * *

[Two pages are missing.]

SCIPIO: * * * he called . . . at Sparta. But they were too few, twenty-eight, whom he wanted to be in possession of the full power of deliberation, while the king held the full command. We, having followed his example and translated that same [word], have named "senate" those whom he called "old men,"⁶⁰ as we said that Romulus had also done when he chose the Fathers. Nevertheless, the force, power, and royal name are conspicuous and eminent. Share some power with the people as well, as both Lycurgus and Romulus did; you will not sate it with freedom, but you will kindle a desire for freedom, while you do only so much as [give it] the power of tasting freedom. The fear will

⁵⁸That discussion is not extant.

⁵⁹On Spurius Cassius Vecellinus, see *Rep.* 2.60, but further details are unclear.

⁶⁰See *Rep.* 1.48, n. 104. Apparently, in the lacuna at the beginning of this section, Scipio had used the Greek word for "old men," *gerontes*.

always threaten that an unjust king may emerge (as very often happens). Therefore, the fortune of the people is fragile when it depends on the will or habits of one man, as I have said before.

So let this be the first shape, appearance, and origin of a tyrant, which we have discovered in the republic that Romulus founded after taking the auspices, not in the one that Socrates himself depicted in the conversation that Plato wrote in detail:⁶¹ how Tarquinius, who obtained no new power but unjustly used what he had, overturned the entire kingly type of city. Let there be opposed to this man another, who is good, wise, and knowledgeable about the advantage and reputation of the city,⁶² a protector and manager, so to speak, of the republic. Let those be the names for whoever will be a guide and helmsman of the city. Make sure you can recognize this man, for it is he who can protect the city by judgment and effort. And since the title has been used less often in our conversation so far, and in the rest of our speeches we will have to treat more often the type to which this human being belongs⁶³ * * *

[Twelve pages are missing.]

SCIPIO: * * * [and Plato] * * * [sought reasons,] and he brought about a city more to be desired than hoped for—one as small as he could, not one that could exist, but one in which the meaning [*ratio*] of political things could be examined.⁶⁴ But if I can achieve it, I will take pains [in talking] not about the shadow and image of a city but about the most distinguished republic, [applying] the same considerations [*ratio*] he saw, so that I may seem to touch, as if with a wand, the cause of each public good and bad thing. In fact when 240 years of the kings had passed (with the periods of interim rule, a little longer), after Tarquinius was driven out, the Roman people held as much hatred for the

⁶¹For Plato's account of the tyrant, see *Republic* 8–9.565c–580c.

⁶²Literally, “political advantage and reputation.”

⁶³This section features the first explicit mention of the “guide” of the republic, but see *Rep.* 1.45 and 2.45–46 for earlier indications of his activity. I have translated the Latin *rector* as “guide,” although that translation might suggest an insufficient degree of influence in public affairs. “Statesman” would be a good translation except that the word “state” is anachronistic (see the note on the text and the translation). For treatment of “this type of human being” in the rest of *Rep.*, see 2.67, 69; 3.3; 5.2–5; 6.1; 6.17. For analysis see J. G. F. Powell, “The *rector rei publicae* of Cicero's *De Republica*,” *Scripta classica israelica* 13 (1994): 19–29.

⁶⁴*Ratio* could be translated as “an account” instead of “the meaning.” But Scipio's determination (expressed in the next sentence) to rely on “the same considerations” as Plato's—where “considerations” is also the Latin *ratio* (in the plural)—strongly suggests his endorsement of Plato's teaching. For Scipio's praise of Plato, see also *Rep.* 1.16, 29, 65.

regal title as it had held desire for it after the death, or rather departure, of Romulus. As then it had been unable to be without a king, after Tarquinius was driven out it could not bear to hear the title of king. When this . . . opportunity * * *

[Sixteen pages are missing.]

SCIPIO: * * * that law was entirely repealed. Then because of this state of mind our ancestors expelled both the innocent Collatinus, on account of suspicion from that kinship,⁶⁵ and the remaining Tarquinius, on account of the offense from the name; and in the same state of mind Publius Valerius was first to order that the rods be lowered when he had begun to speak in an assembly.⁶⁶ And he moved his dwelling down to the foot of the Velia⁶⁷ after he sensed that the suspicion of the people was being aroused because he had begun to build at a loftier location on the Velia—the exact location that King Tullus had inhabited. The same man provided the following law for the people, which was first provided in the centuriate assembly (he was in the greatest sense “cultivator of the people” in doing so):⁶⁸ no magistrate should kill or lash a Roman citizen in contravention of the right of appeal. The books of the pontifices, however, show that there had been a right of appeal even from the kings; even our augural books point to this. Likewise the Twelve Tables,⁶⁹ in several laws, indicate that appeal is allowed from every judicial decision and penalty; and the tradition⁷⁰ that the decemvirs who wrote the laws were elected immune to appeal shows sufficiently that the other magistrates were not immune to appeal. Moreover, a consular law of Lucius Valerius Potitus and Marcus Horatius Barbatus,⁷¹ men who wisely supported the people for the sake of concord, consecrated [the principle] that no magistrate should be elected immune to appeal. Nor indeed did the Porcian laws—which, as you know, are three and from three Porcii—bring anything

⁶⁵I.e., his relation to Tarquinius Superbus.

⁶⁶For the significance of the lowering of the rods, see *Rep.* 1.62, n. 120. Not all scholars accept that Publius Valerius Poplicola did what Scipio claims here.

⁶⁷The Velia was a ridge that connected the Palatine and Esquiline Hills.

⁶⁸The Latin word used by Cicero for “cultivator of the people” is *publicola*, alternate form of Poplicola, the cognomen (i.e., nickname, name that referred to someone’s attributes) given to Publius Valerius. Cicero derives *publicola* from *populus*, “people,” and *colere*, “to cultivate,” although it may be wrong to implicate the latter word.

⁶⁹The Twelve Tables were the collection of laws compiled under the decemvirate, or rule of ten men, 451–449.

⁷⁰Literally, “what has been handed down.”

⁷¹In 449. According to Scipio their law marked the restoration of the mixed constitution after the bad, second decemvirate of 450–449. See *Rep.* 2.61–63.

new except a sanction.⁷² And so when that law concerning appeal had been brought to passage, Publicola immediately ordered the axes to be removed from the rods;⁷³ and the next day he had Spurius Lucretius chosen as his colleague and ordered his own lictors to go over to him because he was older; and he was first to establish that the lictors would precede each consul in alternate months, so that there would be no more symbols of command among a free people than there had been in the kingdom. Here was hardly an ordinary man, as far as I understand, who maintained the authority of the leading men more easily when he had given moderate freedom to the people. Now I do not repeat these things that are so old and so worn out to you without cause, but I clarify models of men and things through familiar characters and circumstances—according to which the rest of my speech is arranged. 55

Therefore, in those times the senate maintained the republic in this form, so that while the people was free few things were managed by the people, more things were managed through the authority of the senate by plan and by custom, and the consuls held only annual power that was royal in its very type and in its right. What was assuredly greatest for maintaining the nobles' power was strongly retained: no [vote of an] assembly of the people would be valid unless the Fathers' authority approved it.⁷⁴ In these very times Titus Larcus was also established as dictator, about ten years after the first consuls.⁷⁵ That type of command was seen to be new yet very similar to royal command. Nevertheless, all things were maintained by the leading men possessed of the highest authority, as the people yielded. Great deeds were performed in war in those times by very courageous men equipped with the highest power of command as dictators and consuls. But after not a long period (in about the sixteenth year, with Postumus Cominius and Spurius Cassius consuls),⁷⁶ there followed what the nature of things itself compelled to happen: the people, freed from the kings, appropriated to itself a somewhat greater measure of rights.⁷⁷ Reason was perhaps lacking in this, but the nature of republics itself often overcomes reason. Hold on to what I said at the beginning: unless there is in the city an evenhanded [*aequabilis*] balancing of 57

⁷²The authors and precise content of these laws are uncertain.

⁷³Axes accompanied the rods when the magistrate was exercising authority outside Rome and had supreme power over citizens.

⁷⁴This practice lasted until 339.

⁷⁵In 498 or 501.

⁷⁶In 493, about sixteen years after the expulsion of the kings.

⁷⁷Literally, "right."

rights,⁷⁸ duty, and service, so that there is enough power in the magistrates, enough authority in the deliberation of the leading men, and enough freedom in the people, this form of the republic cannot be preserved safe from change.⁷⁹ When the city was shaken as a result of debt, the plebeians seized first the Sacred Mount, then the Aventine Hill.⁸⁰ [[And indeed not even the discipline of Lycurgus held the bridle on Greeks; even in Sparta, in the reign of Theopompus,⁸¹ the five men called ephors were established to oppose royal force (in Crete the ten were called *cosmoi*), just as the tribunes of the plebeians were established to oppose consular command.]]⁸² Perhaps among our ancestors there had been some method of remedying debt. A method had escaped neither Solon the Athenian in times not long before,⁸³ nor our senate sometime later—when, because of one man's lust,⁸⁴ the citizens were freed from all civil obligation for debt and such bondage afterward stopped. Whenever the plebeians have been debilitated by expenses caused by public calamity and have fainted under this burden, some alleviation and medicine have been sought for the health of all. At that time, when such a plan was overlooked, a cause arose for the people: two tribunes of the plebeians were elected as a result of the sedition in order to diminish the power and authority of the senate—which nevertheless remained heavy and great, with the wisest and most courageous men in arms and deliberation protecting the city. Their authority greatly flourished because, although they were eminent in honor far above others, they had a smaller share of pleasures and a hardly larger one of wealth. The virtue of each of them in the republic was all the more pleasing because in private matters each one protected individual citizens most diligently through his effort, deliberation, and property.

When the republic was in this form,⁸⁵ a quaestor accused Spurius Cassius, who was endeavoring to seize royal power while abounding

⁷⁸Literally, "right."

⁷⁹Literally, "preserved unchangeable."

⁸⁰The secession began in 494, when the plebeians—many of whom were in debt and suffered harsh treatment under the law—withdraw to the Sacred Mount, a hill about three miles northeast of the sacred boundary of Rome. Scholars are divided as to whether they seized the Sacred Mount, the Aventine Hill, or both.

⁸¹Theopompus (1). Not all scholars accept that he created the ephorate.

⁸²I follow Powell, who suggests that the words in double brackets were not originally located at this point in the text and may have been added by someone else; but because they may be Cicero's own words, Powell does not delete them.

⁸³Like the Roman senate's method in the late 300s, Solon's method in the 590s was to remit debts to the poor.

⁸⁴I.e., the usury of Lucius Papirius Cursor in the late 300s (Livy 8.28). (This man was not the censor of 430 who will be mentioned in the next section.)

⁸⁵In 486–485.

in utmost gratitude among the people. As you have heard, when his father said that he had found out about his guilt, he punished him with death, as the people yielded; and . . . that pleasing thing

* * *

about fifty-four years after the first consuls, the consuls Spurius Tarpeius and Aulus Aternius provided, in the centuriate assembly, . . . concerning fines and trial bonds.⁸⁶ Twenty years later,⁸⁷ because the censors Lucius Papirius and Publius Pinarius had transferred a number of cattle from private men to public [use] through imposing fines, a low valuation for cattle in fines was established in a law of the consuls Gaius Iulius and Publius Papirius.

But several years before, when the highest authority was in the senate as the people submitted and obeyed, a plan was instituted whereby both the consuls and the tribunes of the plebeians would resign their magistracies, and decemvirs would be elected, with maximum power immune to appeal; they would have the highest power of command and write laws. When they had written ten tables of laws with utmost fairness and prudence, they had other decemvirs chosen in the following year, who were not similarly praised for trust and justice. Nevertheless, there is outstanding praise for Gaius Iulius⁸⁸ of this board. He said that he had been present when a corpse was dug up in the bedroom of Lucius Sestius, a noble man. Although as a decemvir he himself had the highest power immune to appeal, he demanded sureties from Sestius because he said that he would not disregard the splendid law that forbade a capital verdict on a Roman citizen to be imposed except by the centuriate assembly.⁸⁹ The third year of the decemvirate followed, as the same men were there and were unwilling to have others chosen. When the republic was in this form—which I have already often said cannot be long lasting because it is not evenhanded [*aequabilis*] toward all orders of the city—the entire republic was in the possession of the leading men with very noble decemvirs put in charge, no tribunes of the plebeians were opposing, no other magistrates were added, and no appeal to the people was left against death and lashes. Therefore, from the injustice of these men a very great disturbance and a change of the entire republic suddenly arose. When they added two tables of unfair laws, they consecrated

⁸⁶In 454.

⁸⁷Twenty-four years later, 430, according to tradition.

⁸⁸Gaius Iulius Iullus. (This man was not the consul mentioned at *Rep.* 2.60.)

⁸⁹I.e., Gaius Iulius Iullus allowed Lucius Sestius to post bail.

by a most inhuman law [the principle] that plebeians should not have intermarriage with patricians, which is regularly granted even among separate peoples (afterward this was repealed by the Canuleian plebiscite).⁹⁰ In all of their command they ruled over the people lustfully, pitilessly, and avariciously. Of course the following matter is known and celebrated in many works of literature: a certain Decimus Verginius slew a maiden daughter of his with his own hand in the forum because of the intemperateness of one of those decemvirs, and, grieving, he fled for refuge to the army that was then on Mount Algidus.⁹¹ The soldiers abandoned that war in which they were engaged and . . . first the Sacred Mount, just as had been done before for a similar reason, then the Aventine Hill⁹² * * *

[Eight pages are missing.]

SCIPIO: * * * I judge that our [ancestors] both most highly approved and retained most wisely.

When Scipio had said these things, the rest of his speech was awaited by the silence of all. 64

TUBERO: Since these elders seek nothing from you, Africanus, will you hear from me what I desire in your speech?

SCIPIO: To be sure, and indeed gladly.

TUBERO: You seem to me to have praised our republic, although Laelius had asked you not about our, but about every, republic. Nor have I learned from your speech by what training, customs, or laws we can establish or preserve this very republic that you praise.

AFRICANUS: Tubero, I think there will soon be a more suitable point for us to discuss beginning and preserving cities;⁹³ however, I thought that for my part I had given enough of a response to what Laelius had asked about the best form. For first I enumerated the three commendable types of cities and just as many ruinous ones opposite to those three; and [I showed] that no one of those is best, but that the one that has been moderately tempered from each of the first three outshines [the others]. But my use of the model of our city was worthwhile, not for clarifying the best form (that could have been done 65 66

⁹⁰Gaius Canuleius was tribune in 445.

⁹¹Not all scholars accept this story.

⁹²The soldiers are said to have occupied the Sacred Mount and the Aventine Hill in 449.

⁹³Many passages in the rest of the work, some fragmentary, treat beginning or preserving cities.

without a model) but so that it could be noticed [in] the greatest actual city what sort of thing it was that reason and speech were describing. But if you are inquiring about the type of the best form without the model of any particular people, we must use the image of nature, since you . . . this image of city and people * * *

[Probably four pages are missing.]

SCIPIO: * * * [whom] I have long been seeking and to whom I desire to come. 67

LAELIUS: Perhaps you seek a prudent man?

SCIPIO: Exactly.

LAELIUS: There is a handsome supply for you in these very men who are present, or you might begin with yourself.

SCIPIO: If only there were such a proportion in the entire senate! But a prudent man is he who (as we often saw in Africa), sitting upon a monstrous, immense beast,⁹⁴ controls and rules the beast, and who turns that wild animal wherever he wants by a gentle word of command or touch.

LAELIUS: I know, and I often saw this when I was your subordinate commander.

SCIPIO: Therefore, the Indian or Carthaginian controls one beast that is docile and accustomed to human habits. But what is truly hidden in human spirits, the part of the spirit that is called the mind, bridles and tames not merely one beast or one easy to subdue—if indeed it accomplishes this, which it very rarely can. For that fierce . . . must be held * * *

[Four pages are missing.]⁹⁵

SCIPIO: * * * might be said. 69

LAELIUS: I already see the man I was waiting for, to whom you ascribe duty and service.⁹⁶

AFRICANUS: Of course for him there is almost only one [duty], for almost all the others are in this one: that he never cease instructing and observing [*contemplari*] himself, that he call others to the emulation of himself, that he show himself to his fellow citizens as a mirror through

⁹⁴I.e., the elephant. Pyrrhus of Epirus (fourth century) and the Carthaginians (third century) used elephants to wage war against Rome with great effect.

⁹⁵I follow Powell, who leaves sec. 68 empty. In Ziegler's text, sec. 68 consists of fragments (for which see the end of bk. 2).

⁹⁶I.e., the "duty and service" of the "protector and manager" of *Rep.* 2.51.

the brilliance of his spirit and life. As with lyres or flutes, so also with song itself and voices, a certain harmony must be maintained from distinct sounds, and trained ears cannot bear for it to be changed or discordant; yet this harmony is made concordant and congruent by the moderation of very dissimilar voices. So a city harmonizes in the agreement of very dissimilar persons through reason moderated by the intermingling of the highest, lowest, and middle orders, as with sounds. What musicians call harmony in song is concord in a city, the closest and best bond of safety in every republic. And in no way can it exist without justice.⁹⁷ * * *

[Probably twenty-two pages are missing.]

UNCERTAIN SPEAKER: * * * to be full of justice.

70

SCIPIO: Indeed I do agree, and I announce to you that we should consider what has been said so far about the republic to be nothing, or that we cannot proceed further, unless not only [the claim] that the republic cannot exist without injustice is confirmed as false, but also [the claim] that a republic can be managed in no way without utmost justice is confirmed as profoundly true. But, if you please, no further than this today. Let us put off the remaining things—for many things remain—until tomorrow.

Since it pleased them to do so, they made an end of the debate for that day.

Fragments (Speakers Uncertain)

1. . . . and the fourth, worry, prone to mourning and grieving, and always tormenting itself . . .⁹⁸
2. . . . and to be anxieties, if they have been struck by wretchedness or made prostrate by fear and idleness . . .⁹⁹
3. . . . as an untrained charioteer is dragged from a chariot, trampled, mutilated, smashed . . .¹⁰⁰

⁹⁷The text of almost all of the last two sentences is preserved only in Augustine, *City of God* 2.21.

⁹⁸Nonius 72.34. Fragments 1–4 and 6 constitute sec. 68 in Ziegler's text.

⁹⁹Nonius 228.18.

¹⁰⁰Nonius 292.38.

4. . . . which is nourished on blood, which exults in all cruelty in such a way that it is scarcely satiated by the pitiless deaths of human beings . . .¹⁰¹

5. . . . the republic was established in its best form, which is a moderate blend of those three types, the regal, the aristocratic, and the popular; it may not irritate a monstrous, wild spirit by punishing . . .¹⁰²

6. . . . for a man greedy, demanding, lustful, and wallowing in pleasures . . .¹⁰³

7. . . . and so, when that splendid constitution of Romulus had remained steady for about 220 years . . .¹⁰⁴

¹⁰¹Nonius 300.29.

¹⁰²Nonius 342.39. This fragment is sec. 41 of Ziegler's text.

¹⁰³Nonius 491.16.

¹⁰⁴Nonius 526.10. This fragment occurs at the beginning of sec. 53 in Ziegler's text. Ziegler's text reads "240 years" instead of "220 years."

Book 3

*Preface*¹

. . . the human being has been brought forth into life by nature not as if by a mother but as if by a stepmother: his body naked, frail, and weak, his spirit worried by trouble, downcast with fears, soft in the face of labors, prone to lusts; but it is as if there were a certain concealed, divine fire of talent and mind in him.³

1
(Z:1)²

[Eight pages are missing.]

* * * and slowness through vehicles, . . . and when it found human beings making, as it were, rudimentary, confused sounds with crude voices, it broke them up by pauses and distinguished them into parts. And when it imprinted words on things like a kind of sign, it bound together previously disunited human beings through the most agreeable bond of conversation. By a similar act of mind, when a few characters were invented, seemingly innumerable sounds of the voice were all marked and expressed, by which discourses were held with absent persons and indications of wishes and memorials of past events were

2
(Z:3)

¹The headings throughout the rest of *Rep.* are Powell's, not Cicero's.

²From bk. 3 to the end of *Rep.*, the section numbers used by Powell differ from those in Ziegler's and other editions of the Latin text. I give Powell's number first—and use it for citations throughout this book—followed by, in parentheses, "Z:" and the traditional number. Secs. 2–5 (and sec. 1, if genuine) are apparently Cicero's preface to bk. 3. The gist of what is missing at the beginning of sec. 2 can probably be found at *On the Nature of the Gods* 2.151, where Cicero writes that human beings obtain swiftness by taming four-footed animals to carry them on their backs.

³I follow Powell, who considers it proper to preserve this passage from Augustine, *Against Julian* 4.12.60, in its traditional place because of its importance, despite the possibility that the words are not Cicero's own (because of which possibility Powell puts the passage in italics).

maintained. Number was added to this, not only something necessary for life but also the one unchangeable, eternal thing; and it was first to impel us to look upward into the heavens, to gaze, not in vain, upon the motions of the stars, and * * * the countings of the nights and days * * *

[Eight pages are missing, part of which may be the following two paragraphs.]

* * * [cities], in which they desire the praise and honor of the best man, they flee ignominy and dishonor. In fact they are frightened not so much by the fear and penalty that have been established by laws as by a sense of shame, which nature has given to a human being as a kind of fear of disparagement that is not unjust. That guide of republics increased this through opinions and fully developed it through institutions and training so that shame, no less than fear, kept citizens from transgressions. These things indeed pertain to praise, and they could have been said more fully and richly. Moreover, a plan has been delineated for life and its enjoyment concerning just marriages, legal children, and residences sacred to the Penates and the Lares, gods of the families, so that all persons may use conveniences, those held in common as well as their own. It is impossible to live well without a good republic, and there is nothing happier than a well-established city. For that reason it usually seems very wonderful to me, * * *

3
(Z:bk.
5, sec.
6)

7)
(Z:bk.
5, sec.
7)

* * * to have been wisdom. Nevertheless, the difference in conduct between the two kinds was that those men nourished the first gifts of nature by words and arts, while these men did so by institutions and laws.⁴ Indeed this one city has born many men who, if not wise (since those men⁵ hold that title so jealously), are certainly worthy of the highest praise, since they cultivated the precepts and discoveries of the wise. And how many praiseworthy cities exist and have existed, since it is in the nature of things for the far-greatest judgment to establish a republic that can be long lasting—[even] if we count one person per city, what a multitude of excellent men may already be found! But if in Italy we want to consider Latium, or the Sabine or the Volscian nation in the same [land], or Samnium, Etruria, or Magna Graecia,⁶ if then * * * the Assyrians, the Persians, the Carthaginians, * * *

4
(Z:7)

* * * whose minds lifted themselves higher, and they could make or think out something worthy of the gift of the gods, as I said before.

5
(Z:4)

⁴The contrast is apparently between philosophers and political leaders.

⁵I.e., philosophers.

⁶Magna Graecia was the name given to the region of southern Italy comprised of Greek cities.

Therefore, let us consider those who discuss a plan for living to be great men, as they are; let them be considered erudite; let them be considered teachers of truth and virtue. But indeed this too should not be scorned at all, and is not scorned: political knowledge and the training of peoples. Whether that was discovered by men involved in a variety of republics, or even treated in leisure and in the literary studies of these men,⁷ it perfects in good, talented men what it has very often perfected, so a sort of incredible, divine virtue has emerged. But if anyone has thought that he—like the very men involved in debate in this book—ought to add learning and a fuller investigation of things to the furnishings of the mind that he had by nature and from political institutions, no one should not prefer those men to all others. For what can be more splendid than when the handling of, and experience in, great matters are combined with the studies and investigation of the corresponding arts? Or what can be thought to be more perfect than Publius Scipio, Gaius Laelius, Lucius Philus? They added even the foreign learning from Socrates to the domestic custom of their ancestors so that they would not overlook what conduced to the highest praise of famous men. Therefore, he who wished to, and could, furnish himself not only with his ancestors' institutions but also with learning has achieved everything worthy of praise, I think. But if one way of prudence or the other must be chosen, even if the quiet plan of life spent in the best studies and arts will seem happier to him, the political way is certainly more praiseworthy and more illustrious. From this life the highest men are honored, such as Manius Curius, "whom no one could overcome with steel or gold,"⁸ or * * *

(Z:5)

(Z:6)

Philus's Speech

PHILUS: * * * since we have been turned back from the very finish line by its interruption.⁹

6 (Z:uncertain fragment 7)

PHILUS: Indeed you¹⁰ entrust a splendid cause to me when you want me to undertake the defense of wickedness!

7 (Z:8)

LAELIUS: But if you say the things that are regularly said against justice, you should [hardly] fear that you might also appear to feel them, since you yourself are an almost unique model of ancient probity

⁷I.e., philosophers.

⁸Ennius, *Annals* fragment 209.

⁹Seneca, *Moral Letters* 108.32 (citations of this work refer to the edition of L.D. Reynolds [Oxford: Clarendon Press, 1965]).

¹⁰Plural.

and trust. And your habit of discussing on opposite sides—because you think that the truth is most easily discovered in that way—is not unknown.

PHILUS: Well, I will go along with you and knowingly besmear myself. Since those who seek gold do not think they ought to refuse it, and since we seek justice for ourselves, a thing much dearer than all the gold, surely we ought not to flee from any trouble. But if only I were allowed to use another man's mouth as I am going to use another man's speech! Now Lucius Furius Philus must say things that Carneades, a Greek man and one accustomed . . . in words what was convenient * * *

. . . so that you¹¹ may respond to Carneades, who often sports with the best causes through the trickery of his intellect . . .¹² (Z:9)

. . . justice looks outward, and it is entirely extended and eminent . . .¹³ (Z:11)

. . . the virtue that beyond others entirely offers and displays the advantage of other persons . . .¹⁴

* * * [one man] would both discover and protect¹⁵ . . . but surely the other man filled four grand books on justice itself.¹⁶ I desired nothing great or magnificent from Chrysippus, who speaks in a certain manner of his own, examining everything in terms of the influence of words, not the weight of things. It was for those heroes to arouse this reclining virtue—which is uniquely most bountiful and liberal, provided it exists, and which cherishes all persons more than itself, which is born for others rather than for itself—and to place it on the divine throne not far from wisdom. In fact there was lacking in them neither the will (what other cause or plan for writing was there for them?) nor the talent, in which they outshone everyone. But the cause overcame their will and ability. The justice [*ius*] that we seek is something political, not natural: if it were [natural], like hot and cold and bitter and sweet, just and unjust things would be the same for all persons. (Z:12)

But now, if anyone riding in the famous Pacuvian chariot of winged snakes¹⁷ looked down and surveyed the many, varied nations and cities, he would see first among the most uncorrupted nation of (Z:13) 9 (Z:14)

¹¹Plural.

¹²Nonius 263.8. In placing this fragment and the next two, I follow Ziegler instead of Powell, who puts them with the other fragments at the end of bk. 2. This one is fragment 10 from bk. 2 in Powell's text. The next two fragments have been cited enough that their traditional place should be preserved, absent clear evidence to relocate them.

¹³Nonius 373.30. This is fragment 8 from bk. 2 in Powell's text.

¹⁴Nonius 299.30. This is fragment 9 from bk. 2 in Powell's text.

¹⁵Or "contemplate."

¹⁶The references here may be to Plato and Aristotle, including a lost work on justice by the latter. A "book" may refer to part of a longer work, just as *Rep.* consists of six books.

¹⁷The reference is to an unknown play by Pacuvius and may be to Medea's chariot.

Egyptians, which holds in literature the memory of many generations and events, that a certain bull is thought to be a god, which the Egyptians name Apis, and that among the same men many other monsters and beasts of every kind have been consecrated among the group of gods. Then in Greece, as among us, magnificent shrines have been consecrated with human statues, which the Persians thought unholy. For this one reason Xerxes is said to have ordered the Athenians' temples to be burned: he regarded it as unholy for the gods, whose home is this entire universe, to be held shut within walls. Later Philip, who thought it out, and Alexander, who carried it out, made this cause for making war with the Persians: they wanted to avenge the temples of Greece, which the Greeks themselves thought should not be rebuilt so that their descendants would have before their eyes everlasting proof of the Persians' crime. How many, such as the Taurians in the Black Sea, Busiris the king of Egypt, the Gauls, the Carthaginians, have regarded it as both pious and very pleasing to the immortal gods to sacrifice human beings! In fact the institutions of life differ so much that the Cretans and the Aetolians consider it honorable to rob. The Spartans have often said that all territories are theirs that they can reach with a spear. The Athenians even used to swear publicly that all land is theirs that bears olive or crops. The Gauls regard it as disgraceful to pick up grain by hand, and so, armed, they harvest others' fields. We, truly the most just of human beings, do not permit the Transalpine nations to grow olive and vine, so that our olive groves and our vineyards will be worth more! When we do this, we are said to do so prudently, but we are not said to do so justly, so you may understand that wisdom differs from fairness. Moreover, Lycurgus, the discoverer¹⁸ of the best laws and the fairest justice, gave the fields of the opulent to the plebeians for cultivating as if they were in servitude. (Z:15)

If I wished to describe the kinds of law [*ius*], institutions, customs, and habits, I would show not merely variations in so many nations but one thousand changes in one city, even in this very one, so that our friend Manilius here, the interpreter of the law [*ius*], would say that there are now some rights concerning legacies and inheritances of women, while he used to say there were others when he was a young man and the Voconian law had not yet been provided. Indeed this very law, proposed for men's advantage, is full of injustice to women. Why shouldn't a woman have property? Why should she be heir to a Vestal Virgin but not to her own mother? Why, moreover, if a limit on property had to be imposed for females, could Publius Crassus's daughter have one million sesterces without violation of (Z:16)

¹⁸Or "author."

the law if she were an only child, while mine could not have three hundred thousand?¹⁹ * * *

[Two pages are missing.]

* * * [if nature] had consecrated rights for us, all men [would use] the same, and the same men would not use [now] some rights, [then] other rights. But I ask, if it is for a just man and a good man to obey laws, which ones? Whichever ones may exist? But virtue does not accept inconsistency, nor does nature allow variation. The laws are assented to because of penalty, not because of our justice. Therefore, nothing involves natural justice [*ius*]. From this it certainly follows that no men are just by nature. Or do they say truthfully that there is variation in the laws, but that by nature good men follow the justice that exists, not what is thought to exist? It is for a good and just man to grant to each man what is worthy of him. Then what will we first grant to the dumb beasts? It is no ordinary men, but the greatest and educated, Pythagoras and Empedocles, who proclaim that there is one condition of justice [*ius*] for all animate beings, and who shout that inexpressible penalties threaten those who have defiled an animal. Therefore, it is a crime to harm a beast. He who wants . . . crime * * *

11

(Z:18)

(Z:19)

[Many pages are missing. In this lacuna Philus apparently concludes his argument that considerations of advantage, not justice, should govern the conduct of individual persons. Then he applies the principle to governments and rulers.]

* * * except the Arcadians and the Athenians, who, I believe, feared that this injunction of justice would come at some time, and feigned that they had come from the earth as if they were mice from fields.²⁰

12

(Z:25)

The reply to these things usually comes first from those who argue the least corruptly.²¹ They have all the more authority in this case because in the search for a good man, whom we want to be open and simple, they are not sly, not old hands, not malicious in debating: they say that the wise man is good not because goodness and justice delight

(Z:26)

¹⁹Under the Voconian law (probably of 169) a woman could not be made an heiress by a citizen whose property exceeded one hundred thousand sesterces. It also prevented a legatee from taking a greater amount than the heirs. The details of the situation mentioned by Philus are unclear, but Publius Licinius Crassus Dives Mucianus may have died intestate, in which case his daughter could inherit his entire estate. The law treated Vestal Virgins as men for this purpose.

²⁰According to this argument, only the Arcadians and the Athenians claimed to be autochthonous and thus entitled to possession of their land.

²¹Literally, "those who are least of all bad in discussing." The reference is to the Epicureans.

him automatically and in themselves but because the life of good men is without fear, care, torment, danger. Some uneasiness always clings to the minds of the wicked: judicial decisions and physical punishments always revolve before their eyes. Moreover, there is no gain, no reward, born of injustice that is so great that you should always be afraid, that you should think some penalty is always present, always threatening. Losses * * *

(Z:27)

[Eight pages are missing.]

I ask, if there should be two men, of whom one is an excellent man, very fair-minded, of utmost justice, of singular trust, the other of remarkable crime and boldness, and if the city should be in error so as to consider the good man stained, criminal, unholy, and on the other hand to think that [he] who is wickedest is of utmost probity and trust, and if as a result of this opinion of all of the citizens the good man should be harassed, seized, and then his hands severed, his eyes dug out, if he should be condemned, bound, burned, exiled, left destitute, if finally according to the best law he should seem to all persons the most wretched, while on the other hand the wicked man should be praised, worshipped, cherished by all, have devoted to him all honors, all powers of command, all wealth, all supplies from everywhere, and if he then should be judged an excellent man in the estimation of all persons, and most worthy of the best fortune—who in the world will be so mad as to doubt which man he would prefer to be?²²

13

What goes for individuals also goes for peoples: no city is so foolish that it does not prefer unjustly commanding to serving justly. I will not go further [for proof]: When I was consul and you were in my council, I inquired about the Numantine treaty. Who did not know that Quintus Pompeius had made a treaty and that Mancinus was in the same position? One of them, an excellent man, recommended the bill proposed by me according to the resolution of the senate; the other most vigorously defended himself. If a sense of shame is called for, if probity, if trust, Mancinus brought these things; if reason, deliberation, prudence, Pompeius stands out. Which * * *

14
(Z:28)

[Many pages are missing.]

If a good man has a fugitive slave or an unhealthful, noxious house, defects that he alone knows, and for that reason he advertises for sale, will he confess that he is selling a fugitive slave or a noxious house,

15
(Z:29)

²²*Rep.* 3.13 is found in Lactantius, *Divine Institutes* 5.12.5–6; the second half of it is also preserved in the palimpsest.

or will he refrain from informing the buyer? If he confesses, he will be judged good because he does not deceive, but nevertheless foolish because either he will sell cheaply or he will not sell at all. If he refrains from informing [the buyer], he will be wise because he will take care of property, but at the same time bad because he will deceive. Again, if he finds someone who thinks that he is selling brass when it is gold, or lead when it is silver, will he be silent so that he may buy it cheaply, or will he indicate this so that he buys expensively? It seems plainly foolish to prefer [to buy] expensively.

Certainly it is justice not to kill a man and by all means not to touch another's things. Then what will a just man do if by chance he suffers a shipwreck, and some weaker man takes a plank by force? Won't he dislodge him from the plank so that he himself may climb onto it and, leaning upon it, escape—especially since there is no witness in the middle of the sea? If he is wise, he will do it: he must perish if he does not do it. But if he prefers dying to laying hands on another man, then he is just but foolish because he does not spare his own life while he spares another's. Likewise, when the battle line of his own [forces] has been routed, if the enemies have begun to pursue and the just man has caught someone wounded sitting on a horse, will he spare him so that he himself will be killed, or will he throw him down from the horse so that he can flee from the enemy? If he does so, he is wise, but necessarily he is bad at the same time; if he does not do so, he is just, but necessarily foolish at the same time.²³

*** For all those who have the power of life and death over a people are tyrants, but they prefer to be called kings in the name of Jupiter the Best. Moreover, when certain men control the republic because of riches or family or some sort of resources, there is a faction, but those men are called aristocrats. If the people has the most power,²⁴ and all things are ruled through its will, that is said to be freedom, but it is truly licentiousness. But when one fears another, both one man to another and one order [of men] to another, then because no one is sure of himself, a compact, so to speak, is made between the people and the powerful. From this emerges what Scipio praised, the combined type of city. And surely not nature or will but weakness is the mother of justice. For when one of these three must be chosen—to do injustice and not to receive it, both to do it and to receive it, or neither—it is best to do it with impunity if you can, second best neither to do nor to suffer it, most wretched always to fight in a gladiatorial contest, both doing and receiving injustices. So those who first . . . to attain that ***

²³*Rep.* 3.15–16 is preserved in Lactantius, *Divine Institutes* 5.16.5–11.

²⁴Literally, "is the most able."

[Eight pages are missing.]

* * * Wisdom orders [us] to increase resources, to enlarge riches, to extend boundaries—for why was the praise carved on the monuments of the highest generals, “He advanced the boundaries of the empire,” unless he had added something from another’s [territory]?—to command as many persons as possible, to enjoy pleasures, to be powerful, to reign, to dominate. But justice instructs [us] to spare everyone, to take care of the human race, to render to each his own, not to touch sacred things, public things, another’s things. Therefore, what is accomplished if you obey wisdom? Riches, powers, resources, honors, positions of command, kingdoms, for either private men or peoples. But since we are speaking about the republic—and things done publicly are more illustrious—and since the reason behind law is the same for both, I think [I] must speak about the wisdom of the people, and at this point I will omit other peoples: Is it by justice or wisdom that our people, whose lineage Africanus traced in the conversation yesterday, by whose command the world is now controlled, [became the greatest] of all from the smallest? * * *

UNCERTAIN SPEAKER: . . . but he²⁵ should not at all be listened to by our youth. To be sure, if he feels the same as he speaks, he is a vile man; but if otherwise, as I prefer [to think], his speech is still monstrous.²⁶

SCIPIO: I would not be annoyed, Laelius, if I did not think that these men wanted it and if I myself did not desire for you also to take up some part of our conversation here, especially because yesterday you said yourself that we would have too much of it. That is indeed impossible: all of us ask that you not be lacking.²⁷

Fragments of Laelius’s Speech

On the Law of Commanding and Serving

Don’t we notice that rule has been given to every excellent man by nature itself with the highest advantage to the lowest men? Why, therefore, does god command human being, mind command body, reason command lust, anger, and the other faulty parts of the same mind?²⁸

²⁵Probably Carneades.

²⁶Nonius 324.15, 323.18.

²⁷Aulus Gellius, *Attic Nights* 1.22.8.

²⁸Augustine, *Against Julian* 4.12.61.

But the different types of commanding and serving should be learned. Now as the mind is said to command the body, it is also said to command lust. But it commands the body as a king commands his citizens or a parent his children, while it commands lust as a master commands slaves, in that the mind controls and curbs it. So the commands of kings, generals, magistrates, fathers, and peoples rule over citizens and allies as the mind rules over bodies. But masters tire slaves as the best part of the mind—that is, wisdom—tires the faulty, weak parts of the same mind, such as lust, anger, and other disturbances.²⁹ 22 (Z:37)

For there is a kind of unjust slavery when those who can belong to themselves belong to another. But when they are servants . . .³⁰ 23

On the Law of War

. . . *no war is undertaken by the best city unless either for good faith or for safety* . . .³¹ 24 (Z:34)

Unjust wars are those that have been undertaken without cause. That is to say, no just war can be waged except for the sake of avenging oneself or driving back enemies. . . . No war is held to be just unless it has been proclaimed, unless it has been declared, unless it concerns recovering property.³² 25 (Z:35)

But our people has already gained possession of the entire earth by defending its allies.³³ 26

On the Law of Nature

True law is correct reason³⁴ congruent with nature, spread among all persons, constant, everlasting. It calls to duty by ordering; it deters 27 (Z:33)

²⁹Ibid.

³⁰Nonius 109.2.

³¹I follow Powell, who considers it proper to preserve this passage from Augustine, *City of God* 22.6, despite the possibility that the words are not Cicero's own (because of which possibility Powell puts the passage in italics). Immediately before that passage Augustine writes, "I know that in the third book of Cicero, unless I am mistaken, it is debated concerning the republic: . . ."

³²Isidore, *Etymologies* 18.1.2–3.

³³Nonius 498.18.

³⁴The usual translation of *recta ratio* is "right reason." But *ratio* can mean "an account" of something, rational or irrational. Moreover, *recta* can mean "correct," and the *Oxford English Dictionary* has the following as the primary meaning of the adjective "correct": "In accordance with an acknowledged or conventional standard, esp. of literary or artistic style, or of manners or behaviour; proper." *Oxford English Dictionary*, 2nd ed. (CD-ROM, version 4.0), s.v. "correct." Thus the phrase *recta ratio* is "as ambiguous as its components." For that quotation and for the

from mischief by forbidding. Nevertheless, it does not order or forbid upright persons in vain, nor does it move the wicked by ordering or forbidding. It is not holy to circumvent this law, nor is it permitted to modify any part of it, nor can it be entirely repealed. In fact we cannot be released from this law by either the senate or the people. No Sextus Aelius should be sought as expositor or interpreter. There will not be one law at Rome, another at Athens, one now, another later, but one law both everlasting and unchangeable will encompass all nations and for all time. And one god will be the common teacher and general, so to speak, of all persons. He will be the author,³⁵ umpire, and provider of this law. The person who will not obey it will flee from himself, and, defying human nature, he will suffer the greatest penalties by this very fact, even if he escapes other things that are thought to be punishments.³⁶

On the Rewards for Virtue and the Penalties for Wickedness

One might say that virtue wants honor. Nor is there any other payment for virtue. Although virtue easily accepts payment, it does not harshly exact payment. 28 (Z:40)

What riches will you³⁷ throw in front of this man? What positions of command? What kingdoms? He considers those things to be human, but he judges his own goods to be divine.³⁸ 29

It is clear that . . . Pyrrhus's munificence . . . or that Curius lacked the Samnites' provisions.³⁹ 30a

And we used to hear from our friend, the famous Cato himself,⁴⁰ 30b that when he came to his [home] in Sabine [country], he regularly visited his⁴¹ hearth—where he sat and gave back the gifts of the Samnites, formerly his enemies, later his clients.⁴²

But if all men in their ingratitude, or the many envious men, or those who are unfriendly and powerful, deprive virtue of its rewards, 31

general point, I am indebted to Robert C. Bartlett and Susan D. Collins, trans., *Aristotle's Nicomachean Ethics* (Chicago: Univ. of Chicago Press, 2011), 28 n. 4. Bartlett and Collins write about the Greek phrase *orthos logos* (which they translate as “correct reason”), but the same is true of the Latin.

³⁵*Inventor*, here translated as “author,” can also mean “discoverer.” The reader should consider the ambiguity.

³⁶Lactantius, *Divine Institutes* 6.8.6–9.

³⁷Singular.

³⁸*Rep.* 3.28–29 is preserved in Lactantius, *Divine Institutes* 5.18.4.

³⁹Nonius 132.17. The meaning of the reference to Pyrrhus is unclear.

⁴⁰Marcus Porcius Cato (1).

⁴¹I.e., Curius's. See Cicero, *Cato the Elder: On Old Age* 55–56.

⁴²Nonius 522.26.

it delights in many consolations, and it sustains itself above all by its own honor.⁴³

. . . [Hercules and Romulus became gods from human beings.] . . . 32
it is not their bodies that were lifted into heaven (for nature would not allow what was from the earth to remain anywhere but on the earth) . . .⁴⁴

But by a swiftly inflicted death private men often slip away from 33
those penalties that even the most foolish feel: want, exile, chains, (Z:34)
lashes. For cities, however, the penalty is death itself, which seems to liberate individuals from penalty. For the city ought to have been established so as to be eternal. And so there is no natural dissolution of a republic as there is of a human being, for whom death is not only necessary but in truth very often desired. When a city is eliminated, destroyed, extinguished, it is somehow similar to the perishing and fall of the entire universe (to compare small things to great).⁴⁵

Conclusion of Laelius's Speech

* * * Asia . . . Tiberius Gracchus, who persisted resolutely on the side 34
of the citizens, but he neglected the rights and treaties of the allies and (Z:41)
the Latins.⁴⁶ If that habit and licentiousness should begin to spread more widely and convert our command from right to force, so that those who up to now willingly obey us are controlled by terror, even if we who are of greater age have almost finished our watch, I am still distressed for our descendants and for the immortality of the republic, which could be perpetual if it were kept alive by our paternal institutions and customs.

When Laelius had said these things, although all those present sig- (Z:42)
nified that they had been completely delighted by him, Scipio above all was carried away as if by a sort of joy.

SCIPIO: Laelius, you have often defended many cases in such a way that I would not [hesitate to compare] to you our colleague Servius

⁴³Lactantius, *Divine Institutes* 5.18.4.

⁴⁴The bracketed words and the fragment come from Augustine, *City of God* 22.4; the bracketed words are Augustine's (of course they are not what he, a Christian, actually believes).

⁴⁵Augustine, *City of God* 22.6.

⁴⁶"Asia" probably refers to the fact that Attalus III of Pergamum bequeathed his kingdom to Rome in 133. Tiberius Sempronius Gracchus (2) proposed to use the proceeds to redistribute land, but not to the allies and Latins.

Galba.⁴⁷ You ranked him ahead of all [others] while he lived, but still, certainly [I would not compare to you] any of the Attic orators either in [pleasantness] * * *

[Twelve pages are missing.]

SCIPIO: * * * to carry back. Therefore, who would call that “a ‘thing’ of a people” (that is, a republic) at the moment when all together were oppressed by the cruelty of one man, and there was neither the single bond of right nor the agreement and fellowship of an assemblage, which is a people? And the same for Syracuse: that splendid city, which Timaeus⁴⁸ states is the greatest of the Greeks’ cities and the most beautiful of all—its citadel that is worth visiting, its harbors flowing all the way to the interior of the town and to the foundations of the city, its wide streets, porticoes, temples, walls—these things made it no more of a republic when Dionysius controlled it. Nothing belonged to the people, and the people itself belonged to one man. Therefore, where there is a tyrant, there is not a defective republic (as I said yesterday); but, as reason now compels, it must be said that there is no republic at all. 35 (Z:43)

LAELIUS: You speak truly splendidly, and in fact I already see where the speech is leading. (Z:44)

SCIPIO: You see, therefore, that even what is entirely in the power of a faction cannot truly be said to be a republic?

LAELIUS: So I clearly judge.

SCIPIO: And you judge most correctly. What was “the thing of the Athenians” when the thirty men ruled most unjustly over that city after the great Peloponnesian War? Did the old glory of the city, or the splendid appearance of the town, or the theater, gymnasia, porticoes, or the noble gateways, or the citadel, or the marvelous works of Phidias, or the magnificent Piraeus bring about a republic?

LAELIUS: Not at all, since there was indeed no “‘thing’ of the people.”

SCIPIO: What about when the decemvirs at Rome were in their third year, immune to appeal, when freedom itself had lost its legal bulwarks? There was no “‘thing’ of the people.” On the contrary, the people acted in order to recover its “thing.” I come now to the third type, in which perhaps there will seem to be difficulty. When everything is said to be done through the people and to be in the power of the people, when the multitude takes punishment on whomever it (Z:45)

⁴⁷Servius Sulpicius Galba was a “colleague” as augur.

⁴⁸Timaeus of Tauromenium.

wants, when they⁴⁹ steal, seize, hold, and scatter what they want, can you deny, Laelius, that that is a republic?—since everything belongs to the people, since we want a republic to be “a ‘thing’ of a people.”

LAELIUS: But I would not deny anything to be a republic more quickly than where everything is entirely in the power of the multitude. If it did not seem good to us [to consider] Syracuse to have been a republic, or Agrigentum, or Athens, when there were tyrants, or here when there were decemvirs, I do not see how the name of republic is more noticeable in the rule of the multitude, primarily because for me there is no people—as you very well defined it, Scipio—unless it is held together by agreement about right. But that gathering is as much a tyrant as if it were one man. This is even more horrid because nothing is more monstrous than the beast that simulates the appearance and name of the people. Nor is it appropriate, since according to laws the goods of madmen are in the power of relatives, that already their * * *

[Eight pages are missing.]

SCIPIO: * * * [the same things] can be said as were said about a kingdom, why it is a republic and “a ‘thing’ of a people.” 36
(Z:46)

MUMMIUS: And even much more so. A king is more similar to a master, because he is one man. Nothing will be able to be happier than the republic where a number of truly respectable men gain possession of affairs. Nevertheless, I prefer a kingdom to a free people. Now that is the third, most defective type of republic, which remains for you.

SCIPIO: I recognize your habitual disinclination to the people’s reasoning, Spurius. And although it can be tolerated more gently than you usually tolerate it, I agree that none of these three types should be less approved. Nevertheless, I do not agree with you that aristocrats far outshine a king. For if wisdom is what governs a republic, what is the difference whether this is in one man or in more? But we are deceived in so arguing by a certain error. When they are called “aristocrats” [*optimates*] nothing can seem preferable. What can be thought better than “the best” [*optimus*]? But when mention was made of a king, an unjust king came to mind. But we say nothing about an unjust king when we now inquire about a regal republic itself. Therefore, think of Romulus or Pompilius or Tullius as king; perhaps you will not be so discontented with that republic. (Z:47)

MUMMIUS: Then what praise do you leave for a popular republic? (Z:48)

⁴⁹Cicero shifts here from the singular to the plural.

SCIPIO: Spurius, what about the Rhodians, among whom we were recently together? Doesn't that seem to be a republic?

MUMMIUS: It seems so to me, and one not at all to be disparaged.

SCIPIO: You speak correctly. But if you remember, all persons were at one time plebeians, at another time senators, and they had changes: in some months they would perform a popular service, in others a senatorial service. Moreover, on either side they accepted a fee for attending an assembly, and the same men, in the theater⁵⁰ and in the Curia, judged capital cases and other matters. It⁵¹ had as much power and importance as the multitude * * *

Fragments (Speakers Uncertain)

1. When he was asked by what crime he was impelled to hold the sea unsafe with one light, piratical vessel, he said, "The same one by which you hold the world unsafe."⁵²
2. . . . he lacked two things, confidence and [a good] voice, which kept him from speaking to a crowd and in the forum.⁵³
3. The most courageous men never . . . courage, energy, endurance . . .⁵⁴
4. But perhaps so that they may expose their spirit to danger . . . they see what they think they are going to do . . .⁵⁵
5. The Phoenicians were the first, through their trade and commodities, to import into Greece avarice, magnificence, and insatiable desires for all things.⁵⁶
- 6a. That Sardanapallus, more deformed in his vices than in his name.⁵⁷
- 6b. He ordered those things to be inscribed on the tomb . . .⁵⁸
7. Then what does that absurd limitation imply? Unless someone wants to raise up Athos from its foundation as a monument. But what Athos or Olympus is so big . . .⁵⁹

⁵⁰The theater in Rhodes was the meeting place of the assembly of citizens.

⁵¹I.e., the senate.

⁵²Nonius 125.12. This fragment occurs at the beginning of sec. 24 in Ziegler's text. The conversation was between Alexander the Great and a pirate.

⁵³Nonius 262.24. This fragment occurs in sec. 42 in Ziegler's text.

⁵⁴Nonius 125.18. This fragment occurs in sec. 40 in Ziegler's text.

⁵⁵Nonius 364.7. The text is corrupt. This is fragment 2 from bk. 3 in Ziegler's text.

⁵⁶Nonius 431.11. This is fragment 3 from bk. 3 in Ziegler's text.

⁵⁷Scholiast on Juvenal 10.362. This is fragment 4 from bk. 3 in Ziegler's text.

⁵⁸Arusianus Messius 487.16. This fragment does not occur in Ziegler's text.

⁵⁹Priscian, *Grammatical Arrangements* 6.13.70 (citations of Priscian refer to H. Keil, ed., *Grammatici Latini*, vols. 2 and 3, ed. M. Hertz [Leipzig: Teubner, 1855]). Except the first sentence, this is fragment 5 from bk. 3 in Ziegler's text. The words "to raise up" and "from its foundation" are conjecture; the text is corrupt. Athos is a peninsula extending into the Aegean Sea from Thrace.

Book 4

UNCERTAIN SPEAKER: * * * gratitude, how conveniently the orders have been arranged into ages, classes, and cavalry.¹ The last includes the votes of the senate, but too many men now foolishly desire that this advantage be eliminated; they seek a new largess through some plebiscite for giving back horses. 1
(Z:2)

Now consider² how wisely the other things have been provided for the citizens' fellowship of living happily and honorably. That is indeed the first cause of assembling, and it ought to be accomplished for human beings through the republic partly by institutions, partly by laws. First of all there is the boyhood training of the freeborn, about which the Greeks labored much in vain. And our guest Polybius accuses our institutions of negligence in this alone: they did not want a certain training or one fixed in laws or publicly explained or uniform for all.³ Now * * * (Z:3)

[Four or eight pages are missing.]

SCIPIO: * * * for a grown man to be naked. Thus certain foundations, so to speak, of the sense of shame have been deeply traced. How truly absurd is the training of youth in the gymnasia! How light is that military service of Greek boys! How unrestrained and free are their fondling and love affairs!⁴ I set aside the Eleans and the Thebans, 2a
(Z:4)

¹This passage apparently refers to the reforms of Servius Tullius. See *Rep.* 2.39–40. The plebiscite mentioned was probably to remove senators from the centuries of knights and thus reduce the number of horses to be provided at public expense, as well as the amount of tax revenue needed.

²The addressee is plural.

³The location in Polybius's work is unknown.

⁴The previous sentences apparently refer to the Athenians.

among whom the lust in the love of the freeborn also allows an unrestrained licentiousness. Even the Spartans themselves, when they allow everything in the love of the young but defilement, separate by a thin wall what they exempt; for they permit embraces and lying together, with covers in between.

LAELIUS: I understand very clearly, Scipio, that as regards those Greek teachings of which you disapprove, you prefer struggling with the noblest peoples rather than with your dear Plato, whom you do not even touch upon, especially since * * *

UNCERTAIN SPEAKER: . . . *for young men to have incurred reproach if they did not have lovers* . . .⁵ 2b
(Z:3)

Fragments (Speakers Uncertain)

On the Training of Children, Women, and Political Life

Not only as at Sparta, where boys learn to seize and steal . . .⁶ 3

So the training in the sense of shame has great force: all women go without alcohol.⁷ 4
(Z:6)

Yet if she was infamous, her kinfolk would not give her a kiss.⁸ 5

Indeed do not let a prefect be put in charge of women,⁹ as one is usually chosen among the Greeks; but let there be a censor who teaches men to direct their wives.¹⁰ 6

The city is said at first to have shuddered at their severity.¹¹ 7

Etymologies Pertaining to Training

And so impudence [*petulantia*] was named from seeking [*petere*], 8
brazenness [*procacitas*] from asking [*precari*], that is, from demanding.¹²

⁵I follow Powell, who considers it proper to preserve this passage from Servius, *Commentary on Virgil's "Aeneid"* 10.325, in its traditional place because of its importance, despite the possibility that the words are not Cicero's own (because of which possibility Powell puts the passage in italics).

⁶Nonius 20.12.

⁷Nonius 5.10.

⁸Nonius 306.3.

⁹A prefect was "[a] person appointed by a higher authority in the central or local government to take charge (of a civil department, branch of administration, etc.)." *Oxford Latin Dictionary*, 2nd ed., s.v. "praefectus."

¹⁰Nonius 499.13.

¹¹Nonius 423.4.

¹²Nonius 23.16.

The censor's judgment inflicts almost nothing on the condemned man other than blushing. And so as all that judging revolves around someone's name [*nomen*], that chastisement is called ignominy [*ignominia*].¹³ 9

For trust [*fides*] seems to me to have its very name because what is said happens [*fieri*].¹⁴ 10 (Z:7)

I admire attentiveness to not only things but also words. "If they quarrel," it says.¹⁵ A quarrel is said to be a dispute among well-wishers, not a lawsuit among the unfriendly. . . . Therefore, the law thinks that neighbors quarrel among themselves; they do not litigate.¹⁶ 11 (Z:8)

On Lessening Expenses and Largess

For I do not want the same people to be commander and toll-gatherer of the earth. Moreover, I hold that the best toll for both private households and the republic is frugality.¹⁷ 12 (Z:7)

In a citizen of rank and a noble man, my¹⁸ flattery, ostentation, and ambition are [signs of] frivolity.¹⁹ 13

On Votes

For a powerful people is not easily resisted, if you²⁰ share [with it] either no rights²¹ or too few.²² 14 (Z:8)

In this disagreement I undertook the cause not of the people but of respectable men.²³ 15

On the Burial of the Dead

The limit on care for human beings [is not] the same as the limit of their lives: hence the sanctity of burial in the pontifical law.²⁴ 16

¹³Nonius 24.5.

¹⁴Nonius 24.11. *Fieri* is the passive of *facere*, "to do" or "to make."

¹⁵A quotation from the Twelve Tables 7.5. In M. H. Crawford, ed., *Roman Statutes*, Bulletin of the Institute of Classical Studies Supplement 64 (London: Univ. of London, 1996), 2:669–71. Later references to the Twelve Tables are to this edition.

¹⁶Nonius 430.29.

¹⁷Nonius 24.15.

¹⁸The text is corrupt.

¹⁹Nonius 194.26.

²⁰Singular.

²¹Literally, "right."

²²Priscian, *Grammatical Arrangements* 15.4.20.

²³Nonius 519.15.

²⁴Nonius 174.7.

They killed innocent persons because they had left unburied those whom they had been unable to take from the sea because of the force of the storm.²⁵ 17

On Plato

And even more than Lycurgus, our dear Plato, who, to sum up, orders everything to be in common, so that no citizen can say of anything that it is special to him or his own.²⁶ 18 (Z:5)

In fact I [will treat Plato] in the same way as he [treats] Homer: he sends him out of the city that he fashions for himself, wreathed with garlands and steeped in perfumes.²⁷ 19

On Poets

Unless the habits of life allowed, comedies could never have made their shameful acts acceptable in theaters.²⁸ 20a (Z:11)

Whom did it not touch, or rather whom did it not harass, whom did it spare?²⁹ Granted that it wounded wicked, popular men in the republic who were seditious: Cleon, Cleophon, Hyperbolus. Let us endure, although it is better for citizens of this kind to be stigmatized by a censor than by a poet. But it was no more proper for Pericles, even when he had ruled over his own city with the greatest authority for many years at home and in war, to be defiled in verses and for them to be performed on stage, than it would have been if our own Plautus or Naevius had wanted to speak ill of Publius and Gnaeus Scipio,³⁰ or Caecilius³¹ to do so of Marcus Cato.³² 20b

By contrast, although our own Twelve Tables had established capital punishment for very few things, among those things they thought that it ought to be prescribed if anyone should sing satirically or compose a poem that brought infamy or shame to another. Splendid—for 20c (Z:12)

²⁵Nonius 293.41. The reference is to the Athenian commanders condemned after the battle of Arginusae in 406.

²⁶Nonius 362.11. See Plato, *Republic* 3.416a-417b, where the guardians are forbidden to possess private property.

²⁷Nonius 308.38. See Plato, *Republic* 3.398a.

²⁸Augustine, *City of God* 2.9.

²⁹According to Augustine the speaker of *Rep.* 4.20b-c is Scipio.

³⁰Publius Cornelius Scipio (1) and Gnaeus Cornelius Scipio Calvus.

³¹Caecilius Statius (see the index of personal names under Caecilius).

³²Augustine, *City of God* 2.9. The reference is to Marcus Porcius Cato (1).

we ought to have life set up by the judgments of magistrates and legal rulings, not by the talents of poets, nor ought we to listen to a reproach except from a law that one is allowed to respond to and to defend oneself against in a court of law.³³

After Aeschines the Athenian, a very eloquent man, acted in tragedies as a young man, he entered public life,³⁴ and they³⁵ often sent Aristodemus, also a tragic actor, as an ambassador to Philip concerning the greatest matters of peace and war.³⁶ 21 (Z:13)

Since they³⁷ held the theatrical art and the stage as a whole in reproach, they wanted that kind of human being not only to be without the honor of the rest of the citizens but also to be removed from their tribe by stigma from the censors.³⁸ 22 (Z:10)

When the shouting and approval of the people come to them as if from some great and wise teacher, what darkness they spread, what fears they bring, what desires they inflame!³⁹ 23 (Z:9)

On the Meaning of the Times

. . . and the same things by mutual interposition and shade . . . and because it brings about night, suitable for both the numbering of days and rest from labors.⁴⁰ 24 (Z:1)

. . . and because in the autumn the earth has opened for the sowing of crops, in the winter it has loosened for sowing,⁴¹ and in the ripeness of summer it has softened some and scorched others.⁴² 25

On Human Nature

And the mind itself, which sees the future, remembers the past . . .⁴³ 26

³³Augustine, *City of God* 2.9. About the passages quoted in *Rep.* 4.20a-c, Augustine says that he may have changed a few words to make them more easily understood.

³⁴Literally, "took hold of the republic."

³⁵I.e., the Athenians.

³⁶Augustine, *City of God* 2.11.

³⁷I.e., the Romans.

³⁸Augustine, *City of God* 2.13. According to Augustine the speaker is Scipio.

³⁹Augustine, *City of God* 2.14.

⁴⁰Nonius 234.14.

⁴¹The text is corrupt. I follow Powell's suggestion, although it involves repetition of "sowing."

⁴²Nonius 343.20.

⁴³Nonius 500.9.

Other Fragments

When they supply shepherds with flocks . . . ⁴⁴	27
Indeed if only I had foretold to him truthfully, faithfully,	28
fully . . . ⁴⁵	(Z:8)
. . . armbands . . . ⁴⁶	29
	(Z:14)

⁴⁴Nonius 159.16.

⁴⁵Nonius 469.16. The text is corrupt.

⁴⁶Priscian, *Twelve First Verses of the "Aeneid"* 1.14.

Book 5

Fragments

From the Preface

1
(Z:1) "The Roman Republic stands upon ancient customs and men." Indeed he¹ seems to me to have spoken that verse, in brevity and in truth, as if from a sort of oracle. Neither men, unless the city had been so accustomed, nor customs, unless such men had been in charge, could have either founded or held for so long such a commanding republic and one so widely extended. And so, before our time, paternal custom itself supplied superior men, and excellent men retained that old custom and the ancestors' institutions. Although in fact our generation had received the republic just like an extraordinary picture, but one already fading in the passage of time, not only did we neglect to renew it in the same colors in which it had existed, but we did not even take care of it so as to preserve at least its shape and, so to speak, its outlines. What remains of ancient customs, upon which he said the Roman "thing" stands? We see that they are so worn out in oblivion that they are not only not cultivated but already unknown. Now what shall I say about the men? The customs themselves have perished through lack of men. We must not only render an account of such a bad thing but also defend ourselves in a certain manner, as if we were in a capital case. Because of our own vices, not because of any chance, do we retain the republic in name [while] in fact we lost its substance long ago.²

¹The quotation is from Ennius, *Annals* fragment 467.

²Augustine, *City of God* 2.21.

On the Guide of the Republic

SCIPIO: As a favorable course has been set forth for a helmsman, health for a physician, victory for a general, so the happy life of citizens has been set forth for this director of the republic in order that it may be steady in resources, opulent in provisions, distinguished in glory, honorable in virtue. I want him to be the perfecter of this work, which is the greatest and best among human beings.³ 2
(Z:8)

UNCERTAIN SPEAKER: * * * [nothing . . . so] regal as the explanation of fairness, which involved the interpretation of the law [*ius*]: private men used to seek justice from kings, and for these reasons broad and rich territories and fields, both planted with trees and used for grazing, were marked off as royal and were cultivated without the exertion and labor of kings, so that no care for private business would distract them from the affairs of their peoples. In fact no private man was an umpire or arbitrator of a lawsuit, but everything was accomplished by royal judgments. And our Numa seems to me to have greatly maintained this custom of the old kings of Greece. The latter waged wars and cultivated their laws [*ius*] to a great extent, although they also performed this service. But the long-lasting peace of Numa was the mother of law [*ius*] and religion in this city. He was also the writer of laws, which as you⁴ know still exist, as is indeed appropriate for this citizen we are discussing * * * 3
(Z:3)

SCIPIO: * * * it will not offend you to learn about roots and seeds? 4

UNCERTAIN SPEAKER: Not at all, if there is a need. (Z:5)

SCIPIO: But you don't think that is a study for an overseer?

UNCERTAIN SPEAKER: Hardly.

SCIPIO: Of course, since his work would very often leave the cultivation of the field to fail. Therefore, as the overseer knows the nature of the field, the administrator knows how to read.⁵ But each of them redirects himself from his delight at knowledge to the advantage of accomplishing things, so, to be sure, our guide will have been eager to learn about justice and laws. By all means he will have examined their sources. But let him not hinder himself by often giving legal advice, reading, and writing so that he can, so to speak, administer the republic and in a certain way oversee it: [he must be] very knowledgeable about the highest law [*ius*] (without which no one can be just) [and] not ignorant of civil [law] [*ius*], but as a helmsman is knowledgeable about the stars, a physician about the natural sciences. Each uses these

³Cicero, *Letters to Atticus* 8.11.1.

⁴Plural.

⁵Literally, "knows letters."

things for his own art, but he does not hinder himself from his own task. Moreover, this man will see * * *

UNCERTAIN SPEAKER: But as for a good head of a household there is need of a certain skill in cultivating, building, and calculating . . .⁶ 5 (Z:4)

On the Rhetorical Art

When Scipio had said this, Mummius completely approved—for he was imbued with a sort of hatred of rhetoricians— . . .⁷ 6 (Z:11)

On the Virtue of Courage (Speaker Uncertain)

This virtue is called courage, which includes greatness of spirit and a great contempt for death and pain . . .⁸ 7 (Z:9)

Other Fragments (Speakers Uncertain)

. . . Marcellus as vigorous and pugnacious, Maximus as deliberate and slow . . .⁹ 8 (Z:10)

Then the character of the highest man would be sought . . . virtue, labor, and diligence . . . unless by chance . . . I do not know where . . . nature . . . too spiritedly . . . him . . .¹⁰ 9 (Z:9)

. . . that he could present your¹¹ families with a share of the troubles of his old age . . .¹² 10 (Z:10)

. . . included in the world . . .¹³ 11

. . . then splendid seeds would have been sown into the best field.¹⁴ 12 (Z:11)

⁶Nonius 497.23.

⁷Nonius 521.12.

⁸Nonius 201.29.

⁹Nonius 337.34. The reference is to Marcus Claudius Marcellus (1).

¹⁰Nonius 233.33. The text is corrupt. In order even to begin to make sense of the passage I have been forced to emend *indolem* to *indoles*, as do Büchner and Zetzl, but contrary to Powell's text.

¹¹Plural.

¹²Nonius 37.23.

¹³Charisius, *Of the Grammatical Art* 176.23 (ed. K. Barwick [Leipzig: Teubner, 1964]).

¹⁴Servian Appendix, *On the Georgics* 1.1, 3.199.4 (citations of works by Servius refer to the edition of G. Thilo and H. Hagen [Leipzig: Teubner, 1881]).

Book 6

Fragments (Speakers Uncertain)

On the Prudence of the Guide of the Republic

Therefore, you expect¹ the complete prudence [*prudentia*] of this guide, the very name of which originated in foreseeing [*providere*].² 1
(Z:1)

On Restraining Sedition

Therefore, this citizen necessarily prepares himself so that he is always armed against things that upset the form of the city.³ 2

And this disagreement among citizens is called sedition [*seditio*] because some men go [*ire*] apart [*se*] to others.⁴ 3

And in political disagreement, when respectable men exert more influence than the many, I think that citizens should be weighed, not counted.⁵ 4

On Lusts, Ferocity, Luxury

For lusts are grave mistresses over thoughts. They compel and command innumerable things. Because they cannot in any way be 5

¹The verb is singular, not plural. Another possible translation is “you await.”

²Nonius 42.3.

³Nonius 256.27.

⁴Servius, *Commentary on Virgil's "Aeneid"* 1.149.

⁵Nonius 519.17.

satisfied or satiated, they impel to every crime those whom they have kindled with their enticements.⁶

Who crushed its force and that unbridled ferocity . . .⁷ 6

So that, as he writes, one thousand men would go down to the 7
forum daily with their cloaks dyed purple . . .⁸ (Z:2)

On Affection among the People

That was indeed all the greater because although the colleagues were 8
in an equal position, not only were they not held in equal ill will, but
also affection for Gracchus⁹ warded off ill will toward Claudius . . .¹⁰

During these things, as you¹¹ remember, the funeral was suddenly 9
adorned by a gathering of the most irresponsible multitude, heaped
with money . . .¹²

Other Fragments

Our ancestors wanted marriages to be firmly stable . . .¹³ 10

Whoever among the number of aristocrats and leading men aban- 11
dons that sound of his own voice and seriousness, solemn and full of
rank, and offered to them . . .¹⁴

*Exposition of Scipio's Dream*¹⁵

SCIPIO: . . . But although for wise men the consciousness of extraor- 12
dinary deeds is itself the amplest reward for virtue, that divine virtue (Z:8)
desires not statues anchored in lead or triumphs with withering laurel
leaves, but some more stable and more robust¹⁶ kinds of rewards.

⁶Nonius 424.31.

⁷Nonius 492.1.

⁸Nonius 501.27. What follows "as he writes" is a translation of a sentence from the Greek elegist Xenophanes of Colophon concerning the decline of that city after its alliance with Lydia.

⁹Tiberius Sempronius Gracchus (1).

¹⁰Nonius 290.15. The reference is to Gaius Claudius Pulcher (1).

¹¹Plural.

¹²Nonius 517.35.

¹³Nonius 512.27.

¹⁴Nonius 409.31. The text is corrupt.

¹⁵The source of *Rep.* 6.12 is Macrobius, *Commentary on Scipio's Dream* 1.4.2–3. According to Macrobius, Scipio has just said that he has kept silent about this dream for a long time, and Laelius has just complained that there were no public statues of Nasica as a reward for his having killed the tyrant Tiberius Sempronius Gracchus (2).

¹⁶Literally, "greener."

LAELIUS: What in the world are those?

SCIPIO: Since we are now on the third day of our holiday, allow me * * *¹⁷

SCIPIO: When I had come to Africa—as you¹⁸ know, I was military tribune to the fourth legion when Manilius here was consul¹⁹—
 nothing was more important to me than meeting King Masinissa, who
 was very dear to our family for just reasons. When I came to him, the
 old man embraced me and wept, and after some time he looked up
 to heaven and said, “I give thanks to you, highest Sun, and to you
 the other inhabitants of heaven, because before I depart from this life
 I have sight of Publius Cornelius Scipio in my kingdom and in this
 dwelling, by whose very name I am refreshed: never does the memory
 of that best, most unconquerable man²⁰ leave my mind.” Then I made
 inquiries about his kingdom, and he did the same about our republic;
 and we spent the day with many words going back and forth. Later,
 having been entertained with royal sumptuousness, we stretched our
 conversation through much of the night, as the old man spoke of nothing
 but Africanus, and he remembered all of not only his deeds but
 also his words. Then we went to bed. As I was weary from the journey
 and from staying awake much of the night, a deeper sleep than usual
 embraced me. Here (I, for one, believe it was as a result of what we
 had said, for our thoughts and conversations usually produce in sleep
 something like what Ennius writes about Homer,²¹ about whom he
 obviously used to think and speak very often when he was awake)

13
(Z:9)

14
(Z:10)

¹⁷Some of what was written in the lacuna can be supplied from three passages from other authors, which appear in Ziegler’s text but are mentioned in a footnote in Powell’s. I summarize the three passages (in the order given by Powell), preceded by their location in Ziegler’s text in parentheses. (6.6–7) Macrobius, *Commentary on Scipio’s Dream* 1.1.9: In order to persuade his readers of the immortality of the soul, Plato ended his *Republic* with a story about a man named Er, who died in battle but came back to life and told what he saw in the other world (10.614b–621b). Unhappy that most readers did not believe Plato’s story, Cicero decided to have Scipio fall asleep and awaken, rather than die and come back to life, so that his readers would not similarly criticize him. (6.3) Favonius Eulogius, *Debate on Scipio’s Dream* 13.1 (ed. and trans. R. E. van Weddingen, Collection Latomus 27 [Brussels: Latomus revue d’études latines, 1957]): Cicero explicitly referred to the story about Er, but he wanted to show that “those things that are said about the immortality of the soul and about the heaven are not the fictions of dreaming philosophers or the incredible fables that the Epicureans laugh at, but the conjectures of prudent men” (my translation of Favonius’s words). (6.4) Augustine, *City of God* 22.28: Cicero denied that Plato actually believed in the resurrection of the dead; Cicero wrote that Plato “had been playing around rather than wanting to say what was true” (my translation of Augustine’s words). The passages from Favonius and Augustine may not quote Cicero’s own words.

¹⁸Plural.

¹⁹In 149, at the beginning of the Third Punic War.

²⁰Literally, “most unconquered man”; i.e., Africanus.

²¹At the beginning of his *Annals* (fragments 4–13), Ennius reported a dream in which Homer stood beside him and told him that, by means of transmigration of souls, Ennius had the same soul as Homer himself.

Africanus showed himself to me in the appearance that was better known to me from his image than from himself.²² When I recognized him, I truly shuddered. But he said, "Have presence of mind, Scipio, and disregard your fear, and commit to memory what I will say.

"Do you see that city, which I compelled to obey the Roman people but which renews its earlier wars and cannot remain quiet?" (He was showing Carthage from a certain lofty place and one full of stars, illustrious and shining.) "You are coming to attack it now as little more than²³ a soldier. You will overturn it in two years as consul; and you will obtain by yourself the name²⁴ that to this point you have inherited from me. And when you have destroyed Carthage, celebrated a triumph, and been censor, and as an ambassador gone to Egypt, Syria, Asia, and Greece, you will again be chosen consul in your absence, and you will finish a very great war: you will demolish Numantia. But when you have been brought by chariot to the Capitol,²⁵ you will find the republic disturbed by the plans of my grandson.²⁶ Here, Africanus, it will be proper for you to show to your fatherland the light of your mind, talent, and judgment. But I see at this time, so to speak, a two-fold way of fate. When your life has turned through seven-times-eight turns and returns of the sun, and these two numbers, each of which is held to be complete for different reasons,²⁷ have reached your fated total by their natural revolution, the entire city will turn to you alone and to your name. The senate will look to you, all respectable men will look to you, the allies will look to you, the Latins will look to you, you will be the one man with whom the safety of the city rests, and to be brief: it will be proper for you as dictator to set the republic on firm footing—if you escape the impious hands of your relatives."²⁸

15
(Z:11)16
(Z:12)

At this point, when Laelius exclaimed and the others strongly groaned, Scipio smiled gently.

SCIPIO: Quiet! I beseech [you], so that you don't wake me up, and listen for a little while to the rest.

²²Scipio probably had a mask of Africanus in his home.

²³Literally, "almost."

²⁴Literally, "cognomen." The name referred to is Africanus.

²⁵For the purpose of celebrating a second triumph, the defeat of Numantia.

²⁶I.e., Tiberius Sempronius Gracchus (2).

²⁷On the subject of complete or perfect numbers, Zetzel explains, "Seven is traditionally a mystical number, and the climacteric (in ancient theory, a critical turning-point) at age 63 was 7×9 years; eight is the first number other than 1 expressing the cube of a positive integer; both are important in the account of the music of the spheres" at *Rep.* 6.22 (*Selections*, 228).

²⁸Many contemporaries suspected that supporters of the Gracchi were responsible for Scipio's death in 129.

“But so that you may be brisker in protecting the republic, Africanus, recognize this: For all those who have preserved, assisted, increased their fatherland, there is a certain place marked out in heaven where happy persons enjoy everlasting life.²⁹ That is to say, nothing that happens on Earth is more welcome to the leading god, who rules the whole universe, than the assemblies and assemblages of human beings united in right, which are called cities. The guides and preservers of these, having departed from here, return here.” 17 (Z:13)

At this point, although I was thoroughly frightened not so much by fear of death as by fear of a plot by my own relatives, I asked whether he was living, along with my father Paullus and the others we thought were extinguished. 18 (Z:14)

“By all means,” he said, “these persons live; they have sprung out of the chains of their bodies as if out of prison. What is called life among you is truly death. Don’t you observe your father Paullus coming toward you?”

When I saw him, I truly poured forth a torrent of tears. But he embraced and kissed me and then forbade me to weep. And after the flood was repressed, when I began to be able to speak, I said, “I beseech [you], most sacred and best father, since this is life, as I hear Africanus say, why do I delay on the earth? Why don’t I hasten to come here to you?” 19 (Z:15)

“It is not so,” he said. “Until the god, whose sacred zone is everything you have sight of, frees you from the wardens of your body, the entrance to this place cannot be open to you. Human beings have been begotten under this law: that they may protect³⁰ that globe you see in the middle of this sacred zone, which is called Earth. And a soul³¹ has been given to them from those everlasting fires that you call stars and planets, which are spherical and round, animated with divine minds, and which accomplish their circles and orbs with marvelous swiftness. Therefore, Publius, you and all pious persons must keep your souls in the custody of your bodies, and you must not depart from human life without the order of him by whom your soul has been given to you, so that you will not seem to flee the human task assigned by the god. But, Scipio, just as your grandfather here has done, as I who have begotten you have done, cultivate justice and piety. That is important with respect to your parents and relatives, but most important with respect 20 (Z:16)

²⁹The Latin *beatus* can also mean “blessed.” Cicero does not teach that a person is happy simply because he feels happy. See *Leg.* 1.32, 46, 59.

³⁰Or “contemplate.”

³¹Here and for the rest of *Rep.*, I translate *animus* (previously also translated as “mind” or “spirit”) as “soul.”

to your fatherland. That life is a way to heaven and to this assemblage of those who have already lived and, having been detached from their bodies, inhabit the place that you see—" (and it was a circle shining out among the blazing stars with the most brilliant brightness) "—which you name the Milky Way, as you have taken from the Greeks."

From that moment, as I contemplated everything, the other things seemed splendid and marvelous.³² There were actually stars that we have never seen from this place, the size of all of which we have never suspected. The smallest one was farthest from heaven and closest to Earth and shone with borrowed light.³³ And the globes of the stars easily surpassed the size of Earth. Earth itself now seemed so small to me that I was discontented with our empire, through which we touch a point of Earth, so to speak.

As I gazed further, Africanus said, "I beseech [you], how long will your mind be fixed on the ground? Don't you observe into what sacred zones you have come? As you see, everything has been connected in nine circles or rather spheres. One of them, the outermost, is that of the heaven; it embraces all the rest. It is the highest god himself, enclosing and containing the others; in it there have been fixed the everlasting, revolving courses of the stars. Beneath this there have been placed seven that revolve backward, in an opposite motion to [that of] the heaven. The [planet] that those on Earth name Saturn's possesses one sphere. Then there is the radiance that is favorable and salutary to the human race, which is called Jupiter's. Then the red one, terrible to Earth, which you call Mars's. Then below,³⁴ Sun occupies roughly the center region³⁵—the leader, chief, and director of the other lights, the mind and balance of the universe, of such size that it illuminates and fills all with its light. The courses of Venus and Mercury follow it like attendants, and in the lowest orb Moon revolves, lit by Sun's rays. Below that there is now nothing that is not mortal and frail except the souls given to the human race by the gods' gift; above Moon everything is eternal. The middle and ninth one, Earth, does not move and is the lowest, and all weights are borne toward it by their own gravitation."

As I recovered from my astonished gazing, I said, "What is this sound that fills my ears, so great and so sweet?"

He said, "This is the one that is made up of unequal intervals that are nonetheless distinguished proportionately and by reason; it is the

³²I.e., the things other than Earth.

³³I.e., Moon.

³⁴I follow Ziegler, Büchner, and Zetzl in reading *subter* instead of Powell's *de septem*.

³⁵I.e., the midpoint between Earth and the heaven.

one that is caused by the impulse and motion of the orbs themselves, and the one that, tempering high [tones] with low, causes evenly varying harmonies. Such great motions cannot be spurred on in silence, and nature provides that the farthest in one direction sounds low, and the farthest in the other direction sounds high. Therefore, the highest star-bearing course of the heaven, which has a more rapid revolution, is moved by a high, lively sound, and the lowest course of Moon by the lowest sound. Now the ninth, Earth, remaining immobile, always holds fast to one seat, having embraced the midpoint of the universe. But those eight courses, two of which have the same pitch,³⁶ cause seven sounds distinguished by intervals, and that number is the knot of almost everything. For instance educated men, having imitated this place with strings of musical instruments and songs, have opened for themselves a return to it, just like others who have cultivated divine studies in human life with preeminent talents. Human ears, filled with this ringing, have become deaf to it. There is no duller sense in you, just as at the point where the Nile plunges from very high mountains at the place called Cataract, the race that dwells near that place lacks the sense of hearing because of the magnitude of the ringing. Indeed this ringing from the very rapid revolution of the entire universe is so great that human ears cannot take it in, just as you cannot gaze directly at the sun, and your sense of sight is overcome by its rays." 23 (Z:19)

Although I was marveling at these things, I repeatedly brought my eyes back to Earth. Then Africanus said, "I sense that you are even now contemplating the seat and home of human beings. If it seems as small to you as it is, look always at these heavenly things, scorn those human things. What renown can you attain from the conversation of human beings, or what glory can you attain that should be desired? You see that Earth is inhabited in dispersed, narrow places; and that immense, empty areas are intermingled with the blotches, so to speak, that are inhabited; and that not only are those who inhabit Earth so broken up that nothing can flow among them from some persons to others, but also they settle partly oblique to you, partly transverse to you, and partly opposite you.³⁷ Certainly you can expect no glory from them. And do you notice that the same Earth is wreathed, so to speak, and encircled with belts of a sort? You see that the two of them 25 (Z:20)

³⁶Literally, "force." According to the theory, the "force" of the heavenly body is determined by the speed with which it circles Earth; the speed is directly related to the pitch emitted by the heavenly body.

³⁷The oblique inhabitants live in the other temperate zone of Scipio's hemisphere. The transverse inhabitants live in the same temperate zone of the other hemisphere. The opposite inhabitants live in the other temperate zone of the other hemisphere.

that are most distant from each other and resting on the opposing poles of the heaven have become stiff from frost, and the central and largest one is scorched by Sun's heat. Two can be inhabited, of which the southern one—where those who tread press footprints opposite yours—has nothing to do with your kind. And notice how thin a part of this other one lying open to the north, which you inhabit, concerns you. All of Earth that is inhabited by you is narrow at the ends and wider from side to side; it is a small sort of island surrounded by the sea that you on Earth call 'Atlantic,' 'great,' 'Ocean.' But despite such a name, you see how small it is. You don't believe, do you, that from these cultivated, known lands, your name or the name of any of us can cross the Caucasus, which you notice here, or swim across the Ganges there? Who is there in the other parts, where the sun rises or sets, or in the farthest north or south, who will hear your name? With those cut off, surely you notice how narrow is the place where your glory is going to be spread. Furthermore, those who talk about us—how long will they talk? And even if those offspring of future human beings successively desire to hand down to their descendants the praises of each one of us that they have received from their fathers, nonetheless because of the inundations and conflagrations of the earth that necessarily happen at certain times, we cannot attain glory that is eternal or even long lasting. Moreover, how significant is the conversation about you that those born later will have?—since there was none had by those born before, who were not fewer, and were certainly better men, especially since among those who can hear our name, no one can remember for one year. Human beings popularly measure the year by the return of only the sun, that is, one star; but as a matter of fact, when all the stars have returned to the same place whence they departed and, after long intervals, have brought back the same configuration of the entire heaven, then in truth that can be called an astronomical year.³⁸ I hardly dare to say how many generations of human beings are contained therein. Just as the sun once seemed to human beings to fail and to be extinguished at the time that Romulus's soul penetrated these same sacred zones, and whenever the sun again fails at the same point at the same time, then recognize that all the constellations and stars have been restored to the beginning, and a year has been completed. In fact, know that the twentieth part of that year has not yet been turned through. Thus if you lose hope of returning to this place, where everything exists for great, preeminent men, how much

26
(Z:22)27
(Z:23)28
(Z:24)29
(Z:25)

³⁸Literally, "a turning year." In a fragment (35, ed. C. F. W. Mueller [Leipzig: Teubner, 1890]) of Cicero's lost *Hortensius*, the astronomical year is equivalent to 12,954 solar years. See also *On the Nature of the Gods* 2.51. Plato (*Timaeus* 39d) claims that the equivalent is 10,000 solar years.

is human glory really worth that can last scarcely a tiny part of one year? Therefore, if you wish to look on high and consider attentively this seat and eternal home, if you will not give yourself to the conversations of the crowd nor put hope in human rewards for your deeds, virtue itself may properly draw you to true honor through its own enticements. Let others be concerned with³⁹ what they say about you; they will talk in any case. All that conversation, however, is bounded by the narrow regions that you see, and it has never been unceasing about anyone, and it is buried in oblivion by human beings' dissolution, and by the forgetfulness of posterity it is extinguished."

When he had said these things, I said, "Truly, Africanus, if a lane, 30
so to speak, opens an entrance to the heaven for those who have de- (Z:26)
served well of their fatherland, although I have walked in your tracks and those of my father from boyhood and have not lacked your glory, nevertheless, now that such a reward has been explained, I will exert myself much more vigilantly."

And he: "Yes, exert yourself, and recognize this: it is not you that is mortal but this body. You are not what that shape of yours shows, but the mind of each person is each person, not the figure that can be pointed at by a finger. Know then that you are a god, if a god is he who is alive, who senses, who remembers, who foresees, who rules and directs and moves the body of which he has been put in charge as the leading god does for this universe. And as the eternal god himself moves the partly mortal universe, so the everlasting soul moves the fragile body. What is always in motion⁴⁰ is eternal; but what brings 31
motion to something else and is itself set in motion from somewhere (Z:27)
else—when motion reaches an end, it necessarily reaches an end of living.⁴¹ Therefore, only what moves itself, because it never deserts itself, never in fact ceases to be moved. And here is the source, here is the beginning of moving for the other things that are moved. But there is no origin of the beginning. All things arise from a beginning, but it can be born from nothing else; if it were begotten from somewhere else, it would not be a beginning. But if it never arises, it never falls. An extinguished beginning will not be reborn from something else, nor will it create something else from itself, since everything necessarily arises from a beginning. So it happens that the beginning of

³⁹Literally, "Let others see."

⁴⁰Literally, "always moved."

⁴¹This section and the next are Cicero's translation of Plato, *Phaedrus* 245c-246a. For comparison see Zetzel, *Selections*, 251-52. Cicero is not guilty of plagiarism because, as Rudd notes in his translation, Africanus's ghost would have known this passage; Scipio would also have known it.

motion is from what is moved by itself. And it can neither be born
 nor die, or else the entire heaven and all nature necessarily would
 collapse and stop, and would obtain no force by which to be moved
 with a first impulse. Therefore, since it is evident that what is moved 32
 by itself is eternal, who is there who would deny that this nature has (Z:28)
 been granted to souls? Everything that is set in motion by an external
 impulse is inanimate; but an animal is what is stirred up by a motion
 that is interior and its own. This is the special nature and force of the
 soul [*animus*]. If it is the one thing of all that moves itself, it has cer-
 tainly not been born and is eternal. You should employ it in the best 33
 matters! And the best cares are for the safety of the fatherland. The (Z:29)
 soul set in motion by and employed in them will fly more swiftly to
 its own seat and home here. And it will do so sooner if even when it
 is enclosed in the body it extends outward and, contemplating those
 things that are beyond, draws itself as much as possible away from
 the body. The souls of those who have given themselves to the plea-
 sures of the body have offered themselves as servants, so to speak,
 and they have violated the laws of gods and human beings because of
 the impulse of lusts obeying pleasures. When they have slipped away
 from their bodies, they revolve around Earth itself. They do not return
 to this place until they have been tormented for many generations."
 He left; I was released from sleep.

Fragments of Uncertain Location

1. . . . to whom no one, citizen or enemy, will be able to render a repayment of assistance for his deeds.¹
2. . . . if it is holy for anyone to ascend to the regions of the heavenly beings, to me alone the greatest gate to heaven is open.²
3. "It is true, Africanus," he said; "now this gate was open to Hercules . . ."³
4. . . . there is no model that we would prefer the republic to resemble . . .⁴
5. . . . and nature itself would not only invite but also compel it . . .⁵
6. . . . by order from the dictator Lucius Quinctius . . .⁶
7. . . . in which I agree that a justice that is tormented and in danger is not that of a wise man.⁷
8. Therefore, there is a certain something turbulent in individual human beings that either runs riot with pleasure or is broken by trouble.⁸
9. . . . the speech . . . of Laelius, which we all have in our hands, . . . how pleasing to the immortal gods are the pontifices' ladles and, as he writes, the Samians' sacrificial vessels.⁹

¹Seneca, *Moral Letters* 108.33. This fragment occurs in 3.6 in Ziegler's text. Ennius wrote those words about Africanus.

²Seneca, *Moral Letters* 108.34. Ennius put those words into Africanus's mouth. Fragments 2 and 3 are uncertain fragment 6 in Ziegler's text.

³Lactantius, *Divine Institutes* 1.18.11.

⁴Diomedes, in *Grammatici Latini* 1.365.20 (citations of this work refer to the edition of H. Keil [Leipzig: Teubner, 1857]). This fragment occurs in 1.34 in Ziegler's text.

⁵Nonius 321.16. This fragment occurs at the end of 1.39 in Ziegler's text.

⁶Servius, *On the Georgics* 1.1, 3.125. This fragment occurs in 2.63 in Ziegler's text.

⁷Priscian, *Grammatical Arrangements* 8.6.32. This fragment occurs at the end of 3.39 in Ziegler's text.

⁸Nonius 301.5. This is fragment 1 from bk. 3 in Ziegler's text.

⁹Nonius 398.28. This fragment occurs at the end of 6.2 in Ziegler's text. The reference is probably to a speech by Laelius on the inadvisability of electing priests. See Cicero, *Brutus* 83; *On the Nature of the Gods* 3.5, 43; *Laelius: On Friendship* 96.

- 10a. . . . as Menelaus the Spartan had a certain agreeableness as a pleasant speaker . . .¹⁰
- 10b. . . . let him cultivate conciseness in speaking . . .
11. . . . strive . . .¹¹
12. . . . they excel . . .¹²
13. . . . *about instructing the leading man of the city, who he says should be nourished on glory* . . .¹³

¹⁰Fragments 10a and 10b are from Aulus Gellius, *Attic Nights* 12.2.6–7. They occur at the beginning of 5.11 in Ziegler's text.

¹¹Diomedes, in *Grammatici Latini* 1.339.31. This is uncertain fragment 2 in Ziegler's text.

¹²Diomedes, in *Grammatici Latini* 1.374.17. This is uncertain fragment 3 in Ziegler's text.

¹³I follow Powell, who considers it proper to preserve this passage from Augustine, *City of God* 5.13, because it expresses Cicero's thought, even though the words are not Cicero's own (because of which possibility Powell puts the passage in italics). This fragment occurs in 5.9 in Ziegler's text.

On the Laws
(with explanatory notes)

Book 1

Characters in the dialogue (in order of their initial speech): Titus Pomponius Atticus (A), Quintus Tullius Cicero (Q), Marcus Tullius Cicero (M)

A: That sacred grove and this oak tree of the inhabitants of Arpinum is certainly recognized.¹ I have often read about it in *Marius*.² If that oak tree remains, surely this is it; and in fact it is certainly old. 1

Q: Indeed it remains, my³ dear Atticus, and it always will remain. For it has been planted by an intellect. No root can be sown by a farmer's cultivation that is so long lasting as one sown by a poet's verse.

A: How so, Quintus? What sort is there that poets plant? In fact you seem to me to be favoring yourself by praising your brother.

Q: Well, that may be so. Nevertheless, as long as Latin literature speaks, this place will not lack an oak tree called Marius's. And as Scaevola⁴ states about my brother's *Marius*, "It will grow old⁵ for countless generations." Unless by chance [you think that] your Athens has been able to maintain the olive tree everlasting on the citadel, or [that] the tall, delicate palm tree that Homer's Ulysses said he saw at Delos is the same one they show today.⁶ And many other things in 2

¹The first word of the dialogue is *lucus*, "sacred grove." The awkwardness of this sentence in English reflects the awkwardness of the Latin; see Andrew R. Dyck, *A Commentary on Cicero, "De Legibus"* (Ann Arbor: Univ. of Michigan Press, 2004), 57. We might expect a plural verb instead of a singular one, but the oak tree is part of the sacred grove. For analysis of the scene and the dramatic date of the dialogue, see Dyck, *Commentary*, 22–23. For analysis of the first word, see Timothy W. Caspar, *Recovering the Ancient View of Founding: A Commentary on Cicero's "De Legibus"* (Lanham, MD: Lexington Books, 2011), 26.

²Cicero wrote an epic poem about his fellow townsman Gaius Marius.

³Literally, "our" (and throughout this work where appropriate).

⁴The reference is probably to Quintus Mucius Scaevola (3).

⁵Literally, "white."

⁶Homer, *Odyssey* 6.162–63. Athenians claimed that Athena planted the first olive tree in the city, on the Acropolis.

many places remain longer in remembrance than they could exist in nature. Therefore, let this now be that “acorn-bearing oak tree” from which once flew out “the tawny messenger of Jupiter, seen in wondrous figure.”⁷ But when a storm or the passage of time has consumed it, there will still be in these places an oak tree that they may call Marius’s oak tree.

A: Indeed I do not doubt it. But now I ask this not of you, Quintus, but of the poet himself: Did your verses plant this oak tree, or did you accept that this happened about Marius as you describe it?

3

M: By all means I will respond to you, Atticus, but not before you respond to me: Is it certain that it was not far from your dwelling that Romulus, walking after his departure, said to Proculus Iulius that he was a god and was called Quirinus, and ordered a temple to be dedicated to himself in that place? And is it true [that] in Athens, likewise not far from your former home, the North Wind carried off Orithyia?⁸ For so it has been recorded.

A: For what purpose do you ask those things?

4

M: No purpose, to be sure, except so that you do not inquire too diligently into things that have been handed down in that way.

A: Yet it is asked about many things in *Marius* whether they are fabricated or true; and because you are dealing with [things from] recent memory and a man from Arpinum, some persons expect the truth from you.

M: And, by Hercules, I desire that I not be considered mendacious! But those “some persons,” my dear Titus, act ignorantly in that trial you imagine⁹ when they demand truth not as from a poet but as from a witness. I do not doubt that these same persons think that Numa spoke with Egeria and that the priest’s cap was placed on Tarquinius by an eagle.¹⁰

Q: I gather, brother, that you think some rules [*lex*] should be observed in a history, others in a poem.

5

M: By all means, Quintus, because in the one [everything is] measured by truth, in the other most things are measured by delight. But

⁷The messenger was an eagle, which Marius saw as a good omen after it rose from an oak tree, fought a serpent, and flew off to the east. For more of *Marius*, see Cicero, *On Divination* 1.106.

⁸Compare Plato, *Phaedrus* 229b-c.

⁹Literally, “that trial of yours.”

¹⁰According to tradition, an eagle swooped down and placed upon the head of Tarquinius Priscus (see *Rep.* 2.34–36) a priest’s cap with a rod of olive wood that was the symbol of kingship, and people took the event as an omen that he would become king.

there are countless fables in both Herodotus, the father of history, and Theopompus.¹¹

A: I have the opportunity that I desired, and I will not miss it.

M: What opportunity, Titus?

A: For a long time a history has been expected—or rather demanded—from you. They think that if you handle it, it can be done, so that in this subject also we might yield nothing to Greece. And so that you may hear what I feel myself, you seem to me to owe this service not only to the eagerness of those who delight in your literary studies but also to your fatherland, so that what is safe because of you may also be honored by you. In fact history is absent from our literature, as I myself understand and as I hear very often from you. But you can surely do enough in it, since by all means this is one need especially suited to orators (as indeed it has long seemed to you).¹² Therefore, we beg you to start and take the time for this matter, which to this point our men have either ignored or abandoned. After the annals of the highest pontifices,¹³ than which nothing can be drier, if you come to Fabius¹⁴ or to him who is always on your lips—that is, Cato¹⁵—or to Piso or to Fannius¹⁶ or to Vennonius, although one of these has more force than another, what is so meager as all of them? Fannius's contemporary Antipater blew a little harder, but he had strength that was boorish and rough, without luster and skill; nevertheless, he could remind the others to write more carefully. But behold: Gellius,¹⁷ Claudius,¹⁸ and Asellio followed him, and they were nothing in comparison with Coelius, but rather like the feebleness and ignorance of the earlier men. Why should I count Macer? His loquacity has some cleverness. Nevertheless, it is not from the erudite ability of the Greeks, but from little Latin copyists; and the speeches¹⁹ contain many absurdities and the highest degree of shamelessness so far. His friend Sisenna easily surpassed all our writers up to now (except perhaps those who have not yet published, about whom we cannot make a judgment). Nevertheless, he was never recognized as

6

7

¹¹Theopompus (2).

¹²Cicero presents an argument that history is an important part of forensic oratory in *On the Orator* 2.51–64.

¹³See *Rep.* 1.25, n. 55.

¹⁴Quintus Fabius Pictor.

¹⁵Marcus Porcius Cato (1).

¹⁶This Gaius Fannius was probably not the one who was consul and a participant in *Rep.*

¹⁷Gnaeus Gellius.

¹⁸Quintus Claudius Quadrigarius.

¹⁹I.e., the speeches in Gaius Licinius Macer's history, not his own speeches. Dyck, *Commentary*, 80.

an orator in your²⁰ class, and he strives after something childish in his history: he seems to have read only Cleitarchus of all the Greeks, but he wants merely to imitate him. If he could attain that, he would still be a considerable distance from the best. Therefore, this is your task; it is expected from you—unless it seems otherwise to Quintus.

Q: To me, not at all, and we have often spoken about this. But there is a certain small disagreement between us. 8

A: What, may I ask?

Q: The times from which he ought to take the beginning of his writing. I think, from the earliest times, since what has been written about them is certainly unreadable; but he himself demands the same time as that of his own life, so that it may embrace the things in which he participated.

A: I rather agree with him. For there are very great affairs in our memory and in our age. Then too he will shine praises on that dearest man, Gnaeus Pompeius, and he will run into his own memorable year.²¹ I prefer that he mention those things, not, as they say, Remus and Romulus.²²

M: Of course I understand that this labor has been expected from me for a long time, Atticus. I would not refuse it if any empty, vacant time were granted me. Such a thing cannot be undertaken with one's attention occupied or mind hindered; one must be without both care and business.

A: What about other things, which you have written about more than any of us has? What empty time had been allowed to you? 9

M: Some spare time comes along, which I do not allow to perish, so that if days are given for spending in the country, they are tailored to the number of things I am writing. In fact a history cannot be begun unless leisure has been provided beforehand, nor can it be finished in a short time. And I am usually unsettled²³ when, once having begun something, I am diverted to another; and I do not weave together something interrupted as easily as I finish things one at a time.²⁴

A: Without doubt, those words call²⁵ for some ambassadorial appointment, or some free, leisurely inactivity of that sort.²⁶ 10

²⁰"Your" is plural, referring to Marcus and his colleagues, not to Marcus and Quintus. Dyck, *Commentary*, 81–82.

²¹I.e., 63, the year of Cicero's consulship and his defeat of the Catilinarian conspiracy.

²²"Remus and Romulus" was a common expression for something that occurred before recorded history.

²³Literally, "suspended of mind."

²⁴Literally, "things begun."

²⁵Literally, "that speech calls."

²⁶Some Roman ambassadorships were sinecures. Marcus disapproves of such positions. See *Leg.* 3.9.5, 3.18.

M: In fact I have been relying rather on the exemption due to age, especially since, in accordance with paternal custom, I would not refuse to sit in a counselor's seat and respond to those asking for advice, performing the pleasing, honorable task of a not lazy old age.²⁷ Then I could give as much attention as I wanted to the subject you desire and to many richer, greater subjects.

A: But I fear that no one would accept that excuse as valid and that you would always have to speak, and all the more because you have changed yourself and begun another way of speaking. As your close friend Roscius, in old age, softened the rhythms in song and made the flutes themselves slower, so day by day you relax somewhat from the very high degree of struggle that you used to engage in, so that now your speech is not far from the softness of philosophers.²⁸ Since even the most extreme old age seems able to sustain it, I see that you are given no exemption from cases. 11

Q: But, by Hercules, I have been thinking that our people could approve of your devoting yourself to providing legal advice. Therefore, when it seems good, I think you should try it. 12

M: Yes, Quintus, if there were no danger in trying. But I fear that while I want to diminish my labor, I would increase it, and that the interpretation of law would be added to the work on cases, which I never approach without having prepared and meditated on it. It²⁹ would be troublesome to me not so much because of the labor as because it would take away reflection on speaking, without which I have never dared to approach any more important case.

A: Then in this spare time, as you say, why don't you explain to us these very things and write about civil law more precisely than the others? I remember that you have studied law from the earliest time of your life, when I myself also used to come to Scaevola.³⁰ You have never seemed to me to devote yourself so much to speaking that you scorned civil law. 13

M: You call me to a long conversation, Atticus. Nevertheless, unless Quintus prefers that we discuss something else, I will undertake it; and since we are unoccupied, I will speak.

Q: Of course I would gladly listen. For what would I rather discuss, or how would I better spend this day?

M: Then why don't we proceed to our paths and seats? When we have had enough walking, we will rest. Surely we will have no lack of delight as we inquire into one topic after another. 14

²⁷Older senators usually served also as lawyers.

²⁸For elaboration see Cicero, *Orator* 64.

²⁹I.e., the interpretation of law.

³⁰Quintus Mucius Scaevola (1).

A: That is fine with us, and, if it pleases you, this way to the Liris along its bank and through the shade. But now I beseech [you] to begin to explain what you feel about civil law.

M: Shall I? I think that the highest men in our city are those who have regularly interpreted it to the people and given legal advice. But although they have made great claims, they have dealt with small things. What is so great as the law of the city? But what is so tiny as this service of those who are asked for advice, even though it is necessary to the people? In fact I do not think that those who were in charge of this service have been ignorant of universal law, but they have trained in what they call civil law only as far as they wanted to furnish this service to the people. Yet it is thin material for study³¹ although necessary for experience. So to what do you call me, or what are you urging on me? That I produce pamphlets on the law about rainwater falling from the eaves of houses and [the law] about walls of houses? Or that I compose formulas for covenants and judicial decisions? Those things have been attentively written by many men, and they are lower than what I think is expected of me.

A: But if you ask what I expect, since you have written on the best form of republic, the sequel seems to be that you also write on laws. For I see that your dear, famous Plato did so, at whom you marvel, whom you rank ahead of all [others], whom you greatly cherish. 15

M: Then do you want this: As with Clinias the Cretan and Megillus the Spartan, as he describes it, during a summer day in the cypress groves and woodland paths of Cnossos, often stopping, occasionally resting, he argues about the institutions of republics and about the best laws,³² so let us, walking and then lingering among these very tall poplar trees on the green and shady bank, seek something fuller concerning these same matters than the practice of the courts requires?

A: Yes, I desire to hear these things. 16

M: What does Quintus say?

Q: [There is] no subject [I want to hear about] more.

M: And indeed correctly. For recognize that in no subject of argument are more honorable things brought into the open: what nature has granted to a human being, how many of the best things the human mind encompasses, what service we have been born for and brought

³¹Literally, "thin in comprehension."

³²Marcus intentionally substitutes Plato himself for the Athenian Stranger as the third character in Plato's *Laws*. For analysis of the significance, see Caspar, *Recovering the Ancient View*, 36.

into light to perform and accomplish, what is the connection among human beings,³³ and what natural fellowship there is among them. When these things have been explained, the source of laws and right can be discovered.

A: So you don't think that the discipline of law [*ius*] should be drawn from the praetor's edict, as many do now, or from the Twelve Tables, as earlier men did, but from within the profoundest philosophy?³⁴ 17

M: In fact, Pomponius, in this conversation we are not seeking how to safeguard interests in law [*ius*] or how to respond to each consultation. That thing may be a great matter, and it is, which formerly was undertaken by many famous men and is now undertaken by one man of the highest authority and knowledge.³⁵ But in this debate we must embrace the entire cause of universal right and laws so that what we call civil law [*ius*] may be confined to a certain small, narrow place.³⁶ We must explain the nature of law [*ius*], and this must be traced from human nature. We must consider laws by which cities ought to be ruled. Then we must treat the laws [*ius*] and orders of peoples that have been composed and written, in which what are called the civil laws [*ius*] of our people will not be hidden.

Q: Truly, brother, you trace deeply and, as is proper, from the fountainhead of what we are asking about. Those who hand down the civil law [*ius*] differently are handing down not so much ways of justice as ways of litigating. 18

M: That is not so, Quintus: ignorance of the law [*ius*] is conducive to more lawsuits than knowledge of it. But this later;³⁷ now let us see the beginnings of law [*ius*].

³³I reject Powell's emendation of the text to read "what is the connection between human beings and gods." Compare the very similar wording at *Leg.* 1.28 to the passage without emendation. Powell attempts to justify the emendation by saying that the later passage "comes after he [i.e., Cicero] has discussed the *coniunctio cum dis* [connection with gods] and is now moving on to discuss the *coniunctio hominum inter ipsos* [connection of human beings among themselves]." J.G.F. Powell, letter to Andrew R. Dyck, cited in Dyck, *Commentary*, 102. But Powell neglects that the text without emendation implies an important possibility: knowledge of gods is an outcome of an inquiry into the natural connection among human beings. There is insufficient reason to alter the text.

³⁴The Twelve Tables provided the foundation of Roman law. See *Rep.* 2.54, n. 69. Praetors added to them with their annual judgments.

³⁵I.e., Servius Sulpicius Rufus.

³⁶*Causa*, which I have translated here as "cause," can mean both "a legal case" and "a subject matter or problem." Given the immediately preceding discussion of lawyers' work, Marcus probably intends both meanings. Roman civil law (*ius civile*) was contrasted with the law of nations (*ius gentium*) or with the law of nature (*lex naturae*), not with criminal law. Criminal law was considered part of civil law.

³⁷See *Leg.* 1.42.

Therefore, it has pleased highly educated men³⁸ to commence with law—probably correctly, provided that, as the same men define it, law is highest reason, implanted in nature, which orders those things that ought to be done and prohibits the opposite. The same reason is law when it has been strengthened and fully developed in the human mind. And so they think that law is prudence, the effect of which is to order persons to act correctly and to forbid them to transgress. They also think that this thing has been called [from] the Greek name for “granting to each his own,” whereas I think it comes from our word for “choosing.”³⁹ As they put the effect of fairness into law, we put the effect of choice into it. Nevertheless, each one is appropriate to law. But if it is thus correctly said, as indeed it mostly and usually seems to me, the beginning of right should be drawn from law. For this is a force of nature; this is the mind and reason of the prudent man; this is the rule of right and wrong. But since our entire speech is for the people’s business, sometimes it will be necessary to speak popularly and to call that a law which, when written, consecrates what it wants by either ordering [or forbidding], as the crowd calls it. In fact let us take the beginning of establishing right from the highest law, which was born before any law was written for generations in common⁴⁰ or before a city was established at all. 19

Q: That is truly more convenient and suitable for the method of conversation we have begun. 20

M: Then do you want us to trace the birth of right itself from its source? When we have discovered it, there will be no doubt how to judge what we are seeking.

Q: Truly I think it must so be done.

A: Add me as well to your brother’s opinion.

M: Then since we should maintain and preserve the form of republic that Scipio taught to be the best in that book,⁴¹ and since all laws should be tailored to that type of city, and since customs should be planted and not everything should be consecrated in writing, I will

³⁸One of the “highly educated men” may be Chrysippus, the Stoic whose treatise *On Law* is one source of this account of natural law. See *Rep.* 3.8 and n. 16 there, which together suggest that even “highly educated men” may not have the profundity of philosophers. For the same suggestion about Chrysippus, see Cicero, *Academic Matters* (*Academica*) 2.73, 75, 96, where Cicero makes himself speak as a character in a dialogue.

³⁹According to Marcus, *nomos*, Greek for “law,” was derived from *nemō*, “divide,” and *lex*, Latin for “law,” was derived from *lego*, “choose.” In the next sentence, the Latin noun for “choice,” *delectus*, is usually written *dilectus*; it is related to *lego* and to the Latin participle *delectus*, which is translated as “select.”

⁴⁰The text is corrupt.

⁴¹Literally, “those six books” (i.e., of *Rep.*).

trace the root of right from nature, with which as our leader we should pursue the entire debate.

A: Most correctly, and indeed with it as leader there will be no way to err.

M: Then, Pomponius, do you grant me this (for I know Quintus's opinion), that all nature is ruled by the force, nature, reason, power, mind, majesty—or whatever other word there is by which I may signify more plainly what I want—of the immortal gods? Now if you do not approve this, I must begin my case from there before anything else. 21

A: Of course I grant it, if you expect it. And because of the harmony of the birds and the rumbling of the rivers I do not fear that any of my fellow students⁴² will clearly hear.

M: Yet beware: They often become quite angry, as good men do. They will not tolerate it if they hear that you have betrayed the excellent man's first sentence, in which he wrote that god cares for nothing, either his own or another's.⁴³

A: Continue, I beseech [you]. For I expect [to hear] how what I have admitted to you is relevant. 22

M: I will not make you wait longer. It is relevant at this point: This animal—foreseeing, sagacious, versatile, sharp, mindful, filled with reason and judgment—that we call a human being has been begotten by the supreme god in a certain splendid condition. It alone, of all kinds and natures of animate beings, has a share in reason and reflection, in which all the others have no part. Moreover, what is more divine than reason—I will not say in a human being but in the entire heaven and earth? When it has grown up and been fully developed, it is rightly named wisdom. Therefore, since nothing is better than reason, and since it [is] in both human being and god, the primary fellowship of human being with god involves reason; and among those who have reason in common, correct reason is also in common. Since that is law, we should also consider human beings to be united with gods by law. Furthermore, among those who have a sharing in law, there is a sharing in right. And for them these things are * * * and they must be recognized as being of the same city—if they obey the same commanders and men in power, even much more so. Moreover, they obey this celestial system, the divine mind and very powerful god, 23

⁴²I.e., Epicureans.

⁴³Marcus refers to Epicurus's maxim, "What is blessed and indestructible has no troubles itself, nor does it give trouble to anyone else, so that it is not affected by feelings of anger or gratitude. For all such things are signs of weakness." *The Epicurus Reader: Selected Writings and Testimonia*, trans. and ed. Brad Inwood and L.P. Gerson (Indianapolis: Hackett, 1994), 32.

so that now this whole universe should [be] thought to be one city in common between gods and human beings. And the fact that in cities positions are distinguished by blood relations of families—according to a method that will be spoken of in a suitable place⁴⁴—is all the more magnificent and splendid in the nature of things, so that human beings are held to be in the “blood relation” and “race” of the gods.

Now when all nature is inquired about, it is usual to argue the following (and without doubt it is so): In the perpetual celestial courses [and] revolutions there emerged a sort of ripeness for planting the human race. When it was scattered and planted over the earth, it was increased by the divine gift of souls. And although human beings have taken the other things of which they are composed from mortal stock, and those things are fragile and frail, the soul has been implanted by god. From this, in truth, there is what can be recognized as a blood relation or a family or a lineage between us and the heavenly beings. Thus out of so many species there is no animal besides the human being that has any notion of god. And among human beings themselves there is no nation either so tame or so wild that it does not know that it should have a god, although it may be ignorant of what sort it ought to have. From this it follows that he recognizes god because he, so to speak, recollects whence he arose. Moreover, the same virtue is in human being and god, and it is not in any other species besides; and virtue is nothing other than [nature] fully developed and taken all the way to its highest point. Therefore, the similarity between human being and god is natural. Since this is so, what in the world can be a nearer, more certain kinship?

And so nature has generously given such a richness of things for human convenience and use that things that are given birth seem to have been donated to us by design, not originated by chance—not only those things that are poured out as the produce of the earth [laden] with crops and fruits, but also animals, which it is clear have been procreated partly for human use, partly for enjoyment, partly for feeding on. In fact countless arts have been discovered through the teaching of nature, which reason imitated in order to attain skillfully the things necessary for life.

The same nature not only adorned the human being himself with swiftness of mind but also allotted [to him] the senses as escorts and messengers, as well as the obscure, insufficiently elucidated conceptions of many things as, so to speak, a sort of foundation of knowledge. It also gave to the body a shape manageable and suitable to the

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⁴⁴The passage referred to is not extant.

human intellect. For although it made the other animate beings prostrate for grazing, it raised up the human being alone and aroused him to a view of the heaven as if it were a view of his kin and original domicile. Then it shaped the appearance of his face so as to portray in it the character hidden within. For the expressive eyes say beyond measure how we have been affected in the mind; and what is called the countenance, which can exist in no animate being besides the human being, indicates character. The Greeks know the significance of this, but they do not have a name for it at all.⁴⁵ I omit the fitness and abilities of the rest of the body, the control of the voice, the force of speech, which is the greatest matchmaker of human fellowship (not all things are for this debate and time, and, as it seems to me, Scipio expressed this point sufficiently in the book⁴⁶ you have read). Now since god [thus] begot and adorned the human being—that is, he wanted him to have precedence over other things—it is clear (so that not everything must be discussed) that nature itself proceeds further by itself: even with no one teaching it, it has taken its start from those things the characteristics of which it recognized from its first, rudimentary intelligence; it alone strengthens and fully develops reason.

A: Immortal gods, how far back you trace the beginnings of right! And you do it in such a way that not only am I not in a hurry to get to those matters I was expecting from you regarding civil law, but I readily allow you to spend this day, even all of it, in this conversation. These things, which you include perhaps for the sake of other things, are more important than the things for the sake of which they are a preface.

M: Indeed these are important things that are now briefly taken up. But of all the things involved in the debate of educated men, surely nothing is preferable to the plain understanding that we have been born for justice and that right has been established not by opinion but by nature. This will already be evident if you have examined the fellowship and connection of human beings among themselves.

For there is nothing so similar one-to-one, so equal, as all persons are among ourselves. But if the perverting of habits and the vanity of opinions did not twist weak minds and bend them in whatever direction they had begun, no one would be so similar to himself as all persons would be to all persons. And so whatever the definition of human being is, one definition applies to all persons. That is enough of an argument that there is no dissimilarity within the species; if there

⁴⁵The Greek word *prosōpon* means both “face” and “countenance.”

⁴⁶Literally, “the books” (i.e., of *Rep.*).

were, no one definition would encompass all. And of course reason, by which alone we excel the beasts, through which we are effective in [drawing] inferences, through which we prove, disprove, discuss, demonstrate something, make conclusions—it certainly is in common, differing in education,⁴⁷ while decidedly equal in the capacity to learn. For the same things are grasped by the senses of all persons; and the things that move the senses move them in the same way in all persons; and the things that are imprinted upon minds, about which I spoke before, the rudimentary conceptions, are imprinted similarly upon all persons; and speech, the interpreter of the mind, differs in words but is congruent in thoughts. There is no one of any nation who cannot arrive at virtue when he has found a leader.

Not only in correct actions but also in depravities there is a remarkable similarity of the human race. All persons are captivated by pleasure, which, although it is an enticement to disgrace, has a sort of similarity to a natural good; for it delights through its frivolity and sweetness. So, as a result of an error of the mind, it is received as if it were something salutary, and by a similar ignorance death is fled as if it were a dissolution of nature, life is desired because it holds us in the condition in which we were born, pain is regarded as among the greatest evils both because of its own roughness and because the violent death of our nature seems to follow. And because of the similarity between honorableness and glory, those who have been honored seem happy while those who are without glory seem wretched. Troubles, joys, desires, fears wander through the minds of all similarly. And if persons have different opinions, it does not follow that those who worship dog and cat as gods⁴⁸ are not tormented by the same superstition as other races. Moreover, what nation does not cherish kindness, benevolence, or a soul that is grateful for and mindful of a benefit? What nation does not despise, does not hate the haughty, the nefarious, the cruel, the ungrateful? Since from these things it may be understood that the whole race of human beings has been united among themselves, the final result is that knowledge of living correctly makes persons better. If you approve these things, I will continue to the remaining matters. But if something is lacking, let us explain that first.

A: Certainly nothing for us, if I may respond for both of us.

M: What comes next, then, is that we have been made by nature to participate in right, one with another, and to share it among all persons. And I want that to be understood in this entire debate when

⁴⁷I.e., from person to person.

⁴⁸Many ancient Egyptians did so.

I say that [right] is by nature. But there is such corruption from bad habit that it is as if the sparks given by nature are extinguished by the corruption, and the opposite faults arise and are strengthened. But if whatever is according to nature were also according to judgment, and if human beings “thought that nothing human is alien to themselves” (as the poet states),⁴⁹ right would be cultivated equally by all. Those who have been given reason by nature have also been given correct reason, and thus law, which is correct reason in ordering and forbidding. If law has been given, so has right. And reason has been given to all persons. Therefore, right has been given to all persons. * * * And Socrates correctly used to curse the person who first separated advantage from right, for he used to complain that this was the source of all disasters.⁵⁰ * * * For whence comes that Pythagorean saying? * * *

[This lacuna is of uncertain length.]

M: From this it is clearly seen that when a wise man offers this goodwill, spread so wide and far, to someone endowed with equal virtue, what follows is something that seems incredible to certain persons⁵¹ but is necessary: he cherishes himself no more than he does the other person. What is there that differs when things are entirely equal? But if anything could differ only a little, the name of friendship would already have passed away. Its significance is that as soon as someone wants something for himself more than for another person, it does not exist. 34

All these things are provided as a fortification prior to the rest of our conversation and debate, so that it can be more easily understood that right is based in nature. When I have said a very little bit about this, I will come to civil law, from which this entire speech originated.

Q: Of course you need to say very little. For from what you have said, it certainly seems to me, at any rate—[even if otherwise] to Atticus—that right has arisen from nature.

A: Could it seem otherwise to me?—since these things have already been fully developed: first, that we have been furnished and adorned as if by gifts of the gods; second, that there is one equal, common manner of living for human beings among themselves; then that all human 35

⁴⁹Terence (Publius Terentius Afer), *Self-Punisher* 77.

⁵⁰Socrates makes no such statement in the extant writings of Plato or Xenophon. According to Clement of Alexandria (*Miscellanies* 2.22), Cleanthes, second head of the Stoic school, made the claim about Socrates in his work *On Pleasure* (ca. 250).

⁵¹Epicureans believed that friendship could not be divorced from personal advantage, but Cicero does not necessarily have only them in mind.

beings are held together by a certain natural indulgence and goodwill among themselves, as well as by a fellowship of right. Since we have admitted—correctly so, I think—that these things are true, how could we separate laws and rights from nature?

M: You speak correctly, and that is how it is. In fact in the manner of philosophers—not those men from long ago, but those who have furnished workshops of wisdom, so to speak⁵²—those things that used to be argued about broadly and freely are now spoken about point by point and distinctly. For they do not think that enough is done on the topic now at hand unless they argue separately this very thing, that right is by nature. 36

A: And doubtless your freedom of discussing has been lost, or you are the sort of man who does not follow your own judgment in arguing but rather obeys the authority of others?

M: Not always, Titus. But you see the direction of this conversation: my entire speech continues for the sake of strengthening republics—that is, stabilizing⁵³ things [*res*] and healing peoples. Therefore, I fear being guilty of positing starting points that have not been well considered and diligently explored. It is not that they should be approved by all persons (for that cannot happen) but by those who have held that all correct and honorable things should be desired for their own sakes, and that either nothing at all should be counted among good things unless it is praiseworthy in itself,⁵⁴ or at least nothing should be recognized as a great good unless it can be truthfully praised for its own sake.⁵⁵ All these men, whether they have remained in the Old Academy with Speusippus, Xenocrates, and Polemon, or they have followed Aristotle and Theophrastus (who agree with them in substance but differ a little in their way of teaching), or, as it seemed to Zeno, they have changed the terminology without changing the substance, or they have followed the difficult and laborious, but 38

⁵²It is difficult to tell what contrast Marcus is making here. It could be between pre-Socratic philosophers, whose activity consisted largely of speculation on the makeup of the universe, and Plato and Aristotle, who were more concerned with practical matters. Alternatively, it could be between Plato and Aristotle, whose writings conformed to no set pattern, and the Stoics, who argued systematically.

⁵³Or “establishing.”

⁵⁴This is a principle of the Stoics, including Aristo.

⁵⁵This is a principle of the Old, or Fifth, Academy and the Peripatetics. The Academy is called Old at two periods in its history: from its founding by Plato until ca. 268 and under its later leader Antiochus of Ascalon (lived ca. 130–69/8). Antiochus claimed that the moral principles taught by Plato, the Stoics, and the Peripatetics were substantively the same; thus the Academy of Antiochus took a dogmatic approach to philosophical questions, unlike the Second (Middle) Academy of Arcesilas, the Third Academy of Carneades, and the Fourth Academy of Philo (both of the last two Academies are called New).

nevertheless already broken and defeated, sect of Aristo, that with the exception of virtues and vices, they should esteem things as being in the highest degree of equality—what I have said is approved by all these men. But those who indulge themselves and are slaves to their bodies, and who weigh up everything that they follow and flee in life in terms of pleasures and pains—even if they speak truths (there is no need for quarrels in this place)—let us order them to speak in their own little gardens, and let us also ask them to go away for a little while from the entire fellowship of the republic, of which they know no part, nor have they ever wanted to know.⁵⁶ As for the disturber of all these things, the recent Academy of Arcesilas and Carneades, let us prevail upon it to be silent. For if it assailed these things that seem to us shrewdly enough prepared and composed, it would bring catastrophes too great. Indeed I desire to appease it; I do not dare to send it away.

[This lacuna is of uncertain length.]

M: * * * for even in these things we have been expiated without the fumigating substances of that man. But truly there is no expiation for crimes against human beings and impieties against the gods. And so they suffer penalties, not so much in courts of law (which formerly existed nowhere and today are not in many places, but where they are, they are very often deceitful) as by being reproached and chased by the Furies,⁵⁷ not with burning torches as in the fables, but by the anguish of conscience and the torture of offense.

But if the penalty, not nature, ought to keep human beings from wrong, tell me what torment would harass the impious when the fear of punishments has been eliminated? Nevertheless, none of them was ever so daring that he did not either deny that he was guilty of a crime or fabricate some reason for his own just indignation and seek a defense of the crime in some right of nature. If the impious dare to call it this, with what enthusiasm will good men worship such a thing, I ask!

But if a penalty, if fear of punishment and not the disgrace itself deters from a wrongful, criminal life, then no one is unjust, and instead the wicked should be held to be incautious. Then, moreover, those of us who are moved to be good men not by what is honorable itself but by some advantage and enjoyment are cunning, not good. Now what will a man do in the darkness who fears nothing except a witness and

⁵⁶Cicero refers here to the Epicureans, who met in Epicurus's garden at Athens.

⁵⁷The Furies were powers of the underworld that visited retribution for guilt, especially by carrying out parental curses.

a judge? What will he do in a deserted place if he has found someone whom he can deprive of much gold, someone weak and alone? Our man who is just and good by nature will even speak with him, help him, lead him on his way. But he who will do nothing for another person's sake and will measure everything by his own convenience—you see, I suppose, what he is going to do. But if he denies that he is going to snatch his life and take away his gold, he will never deny it on the ground that he judges it disgraceful by nature, but that he fears that it might become known and the result might be bad. O worthy deed, for which not only educated but also boorish men may blush!

But truly the most foolish thing is to think that everything is just that has been approved in the institutions or laws of peoples. And if those laws are from tyrants? If the Thirty at Athens had wanted to impose laws,⁵⁸ or if all the Athenians delighted in tyrannous laws, surely those laws should not be held to be just for that reason? No more, I suppose, than the one that our interim ruler provided,⁵⁹ that the dictator could kill whatever citizens he wanted with impunity, even without a hearing. Right is uniform; human fellowship has been bound by it, and one law has established it; that law is correct reason in commanding and prohibiting. He who is ignorant of⁶⁰ it is unjust, whether it has been written somewhere or nowhere. Now if justice is compliance with the written laws and institutions of peoples, and if (as the same men say)⁶¹ everything ought to be measured by advantage, he who thinks that it will be enjoyable for himself will neglect and break through those laws if he can. So it happens that there is no justice at all if not by nature, and what is established for the sake of advantage is undermined by that advantage.

And if right has not been confirmed by nature, they may be eliminated * * * In fact where will liberality be able to exist, where affection for the fatherland, where piety, where the will either to deserve well of another or to return a service? These things originate in this, that we are inclined by nature to cherish human beings; that is the foundation of right. And not only allegiances toward human beings but also ceremonies and religious observances for the gods are eliminated, which I think ought to be preserved not by fear but by the connection that exists between human being and god. But if rights were established

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⁵⁸See *Rep.* 1.44, n. 96.

⁵⁹I.e., Lucius Valerius Flaccus.

⁶⁰Or "ignores."

⁶¹The Epicureans taught that pleasure (which could be called "advantage") is the measure of things, but they did not teach that justice is compliance with all laws and institutions, regardless of their content. Marcus is probably constructing an argument to suit the needs of the discussion.

by peoples' orders, if by leading men's decrees, if by judges' verdicts, there would be a right to rob, a right to commit adultery, a right to substitute false wills if those things were approved by the votes or resolutions of a multitude. But if there is such power in the opinions and orders of the foolish that the nature of things is changed by their votes, why don't they establish that bad and ruinous things should be held to be good and salutary things? Or if law can make right out of wrong, can't the same law make good out of bad? But we can divide good law from bad by no other standard than that of nature. 44

Not only right and wrong are distinguished by nature, but also in general all honorable and disgraceful things. Nature makes common conceptions for us and starts forming them in our minds so that honorable things are based on virtue, disgraceful things on vices. To think that these things have been based on opinion, not on nature, is for a madman. What is called the virtue of a tree or a horse (in which cases we misuse the name) is founded not on opinion but on nature.⁶² And if that is so, honorable and disgraceful things should also be distinguished by nature. Now if the whole of virtue were determined by opinion, its parts would also be determined by the same thing. Therefore, who would judge a man to be prudent and, may I say, clever not from his own deportment but from some external circumstance? Virtue is fully developed reason, and this is certainly in nature—therefore, in the same way all honorableness. Now as true and false things are judged on their own terms, not by other terms, and the same with logical and illogical things,⁶³ so also a constant and continual manner of life, which is virtue, and also inconstancy, which is vice, will be tested according to their nature. * * * Don't we do the same with young persons' character? Or will character be judged by nature, and the virtues and vices that come from character otherwise? Or if not otherwise, won't it [still] be necessary for honorable and disgraceful things to be measured according to nature? * * * Whatever good thing that is praiseworthy necessarily has in itself that for which it is praised; for good itself is not by opinions but by nature. If it were not so, men would also be happy by opinion. What more foolish thing can be said than that? Therefore, since good and bad are judged by nature, and these things are elements of nature, certainly also honorable and disgraceful things must be distinguished in a similar manner and measured according to nature. 45 46

⁶²The Greek *aretē* and the Latin *virtus* can be translated as "virtue," in the sense of the characteristic excellence of someone or something, but Marcus says that the word is misapplied to plants and lower animals.

⁶³Literally, "consequences and opposites."

But the variety of opinions and the disagreement among human beings disturb us. And because the same thing does not hold for the senses, we think they are certain by nature; and those things that appear one way to some persons and another way to others, and not always one way to the same persons, we say are false. That is far off the mark. No parent, nurse, teacher, poet, or stage perverts our senses; nor does the agreement of the multitude distract them from the truth. All [sorts of] plots are directed against our minds, either by those I just listed, who have taken them when they were delicate and unrefined and who stain and bend them as they want, or by that which occupies a place entangled within our every sensation, pleasure, that imitator of the good and that mother of all bad things. Those who are corrupted by her flatteries do not sufficiently notice what things are good by nature, because they lack this sweetness and itch.

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What follows—to conclude my whole speech—is before our eyes from what has been said, that both right and everything honorable should be desired for their own sakes. And indeed all good men love fairness itself and right itself, and it is not for a good man to err and to cherish what should not be cherished for itself; therefore, right should be desired and cultivated for itself. Now if that is true for right, so also for justice; and if for that, then the remaining virtues should also be cultivated for themselves. What about liberality? Is it disinterested or mercenary? If a good man is benevolent without a reward, it is disinterested; if for payment, it is hired. There is no doubt that he who is called liberal or benevolent is following duty, not profit. Therefore, justice also elicits no reward, no repayment; therefore, it is desired for itself, and the same motive and sense exist for all virtues.

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And even if virtue is weighed according to its gains, not according to its own nature, there will be one virtue, which will most correctly be called badness. Insofar as each man judges what to do according to his own convenience, so little is he a good man, so that those who measure virtue by reward consider nothing to be a virtue except badness. Where is the benefactor if no one acts benevolently for another's sake? Where is the grateful [*gratus*] man if even those who are grateful do not respect the person to whom they return a service [*gratia*]? Where is sacred friendship if not even the friend himself is loved for himself, with whole heart, as it is said? Even he should be deserted and cast aside when hope of gains and profits has been lost. What more monstrous thing can be said than that? But if friendship should be cultivated for itself, human fellowship, equality, and justice should also be desired for themselves. But if that is not so, there is no justice at all. For the most unjust thing of all is to seek payment for justice.

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What shall we say about modesty, what about temperance, what about self-control, what about a sense of shame, decency, and chastity? Are we not to be impudent for fear of infamy, or of laws and courts of law? Are persons innocent and shameful in order to hear good things,⁶⁴ and do they blush in order to collect good hearsay? I am ashamed to speak of chastity at this point, and I am ashamed of those philosophers who think it is _____⁶⁵ to avoid any judgment without avoiding the vice itself. What then? Can we say that those persons are chaste who are kept from defilement by fear of infamy, although infamy itself follows from the disgrace of the matter? What can be rightly praised or disparaged if you separate from its nature what you think should be praised or disparaged? Will irregularities of the body, if they are very remarkable, give some offense, and deformity of the mind give none? The disgrace of the latter can be very easily perceived from its vices. What can be called fouler than avarice, what more monstrous than lust, what more scorned than cowardice, what more despicable than dullness and foolishness? What then? Do we say about those who are conspicuous for their individual vices, or even many vices, that they are wretched because of losses or damages or tortures, or because of the significance and the disgrace of their vices? That can be said again in the opposite [direction] as praise of virtue.

Finally, if virtue is desired because of other things, necessarily there is something better than virtue. Is it then property or honors or beauty or strength? When these are present, they are very small, and it is in no way possible to know for certain how long they are going to be present. Or is it—what is most disgraceful to say—pleasure? But indeed virtue is most noticed in spurning and rejecting that.

But do you see what a series of matters and thoughts this is, how some things are woven out of another? I would slide further if I did not hold myself back.

Q: In what direction? I would gladly slide forward with you, brother, where you are leading with that speech.

M: Toward the end of good things, by which all things are judged and for the sake of obtaining which all things should be done—a disputed matter and one full of disagreement among highly educated men, but it must nevertheless be judged at some time.

A: How can that be, now that Lucius Gellius is dead? 53

M: What in the world does that matter?

A: I remember hearing in Athens from my friend Phaedruss that your close friend Gellius, when he came to Greece as proconsul after

⁶⁴I.e., about themselves.

⁶⁵The word *mutatum* here cannot be translated.

his praetorship and was at Athens,⁶⁶ called together in one place the philosophers who were there then, and he earnestly advised them to make some end to their disputes at some time. And if they were of a mind that they did not want to waste their time in quarrels, the matter could be decided, and at the same time he promised them his effort to try to decide something for them.

M: That is quite humorous, Pomponius, and many have often laughed at it. But I certainly would like to have been assigned as arbitrator between the Old Academy and Zeno.

A: How so?

M: They disagree on only one matter, while amazingly they agree on other matters.

A: Is that so? Is there only one disagreement?

M: Only one that is relevant to anything: the Old Academics determined that everything in accordance with nature by which we are helped in life is good, but he considered [nothing] to be good except what is honorable.

A: You speak of a truly small dispute, but nevertheless one that causes a complete break.⁶⁷

M: You would indeed be right⁶⁸ if they disagreed in substance and not in words.

A: Then you agree with Antiochus, my close friend (I dare not say “teacher”), with whom I lived and who nearly uprooted me from our little Garden⁶⁹ and led me into the Academy by means of a very, very few steps.⁷⁰

M: That man was indeed prudent, sharp, and perfect in his own way, a close friend of mine, as you know. Nevertheless, I will soon see whether I agree with him on everything. I say this: that entire dispute can be settled.

A: How in the world do you see that?

M: As Aristo of Chios said that the only good is what is honorable and the only bad is what is disgraceful, if [Zeno had said] that all other things are entirely equal and that it made not even the slightest difference whether they are present or absent, he would strongly differ from Xenocrates, Aristotle, and the famous school of Plato, and there would be a disagreement between them about a very important subject and about the entire manner of living. Now since he⁷¹ says that

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⁶⁶In 93.

⁶⁷Literally, “breaks off everything.”

⁶⁸Literally, “feel rightly.”

⁶⁹I.e., away from Epicureanism.

⁷⁰Atticus, Marcus, and Quintus were all among Antiochus’s students near Athens in 79.

⁷¹I.e., Zeno.

honor is the only good, while the Old Academics said it is the highest good, and they called dishonor the utmost⁷² bad thing, while he calls it the only bad thing, he calls riches, strength, and beauty convenient things rather than good things, and poverty, infirmity, and pain inconvenient things rather than bad things, then he thinks the same as what Xenocrates and Aristotle say in another way. But from this discord not about things but about words, the dispute arose about ends. In that dispute, since the Twelve Tables did not allow a taking by possession within five feet, we will not permit the old possession of the Academy to be devoured by this sharp man. And we will not rule one at a time over the boundaries, according to the Mamilian law, but as three arbitrators according to the Twelve Tables.⁷³

Q (or A?): Then what verdict do we pronounce?

56

M: We resolve that the boundaries fixed by Socrates should be searched for and respected.

Q: Splendid, brother! You are now employing words concerning civil right and laws. I await your argument on that subject. Now that decision is indeed important, as I have often recognized from you yourself. But certainly the matter is such that the highest good is to live from nature—that is, to take great enjoyment [from] virtue in a moderate, suitable life—or to follow nature and to live by its law, so to speak—that is, to omit no act (however great it may be in itself) that may attain the things that nature demands—because this is likewise worthwhile, to live in accordance with virtue as if it were a law. Therefore, I do not know whether this can ever be decided, but certainly not in this conversation, if we are going to complete what we have undertaken.

M (or A?): But I was digressing there, not unwillingly.

57

Q: That will be allowed at another time. Now let us discuss what we have begun, especially since this disagreement about the utmost bad and good thing has nothing to do with it.

M: You speak very prudently, Quintus. Now what I have said to this point * * *

Q: [From] you I do not desire [a discussion of] the laws of Lycurgus or Solon or Charondas or Zaleucus or our Twelve Tables or plebiscites, but I think that in today's discussion you are going to

⁷²The Latin for "highest" and "utmost" is the same: *summus*.

⁷³The Latin *finis* is used in this sentence to mean both "end" and "boundary." "A taking by possession" refers to what is now called "squatter's rights." The Latin for the word first translated as "possession" in this sentence literally means "use." The Twelve Tables (7.2–5) mandated a strip of five feet between two properties, which could be used only for plowing. The Mamilian law was probably passed in 59.

give the laws of living and the training in living, for both peoples and individuals.

M: What you expect is indeed appropriate for this argument, Quintus. If only it were within my ability! But surely the matter is such that since it is proper for the law to be the corrector of vices and the recommender of virtues, education about living is drawn from it. It so happens that * * * the mother of all good things, wisdom (from the love of which philosophy found its name in a Greek word).⁷⁴ Nothing given to human life by the immortal gods is richer, nothing is more illustrious, nothing is preferable. This alone has taught us, along with all the other things it has taught us, what is most difficult: we should know ourselves. There are such force and thought behind this precept that it was credited not to a human being but to the Delphic god.⁷⁵ 58

He who knows himself will think first that he has something divine and that his own intellect within himself is like a sort of consecrated image. And he will always do and feel something worthy of such a great gift of the gods. And when he has examined and completely tested himself, he will understand how he has come into life equipped by nature and how great are the furnishings he has for obtaining and securing wisdom, since in the beginning he conceived the first, so to speak, sketchy conceptions of all things in his soul and mind. When they have been made lucid, with wisdom as leader, he discerns that he is a good man and that for this very reason he is going to be happy. 59

When the virtues have been recognized and perceived, and when the soul has departed from the allegiance to and indulgence of the body, and has crushed pleasure like some stain of dishonor, and has escaped all fear of death and pain, and has entered the fellowship of affection with his own, and has regarded as his own all those who are joined with him by nature, and has undertaken the worship of the gods and pure religion, and has sharpened the sight of his intellect, like that of his eyes, for culling good things and rejecting the opposite (a virtue that has been called prudence [*prudentia*] from foreseeing [*providere*])—what can be said or thought that is happier than that?⁷⁶ 60

And when the same man has examined the heaven, lands, seas, and the nature of all things, and he has seen whence they have been begotten, whither they will return, how they will perish, what in them is mortal and frail, what is divine and eternal, and he has almost grasped [the god] himself who directs and rules these things, and he 61

⁷⁴The Greek *philosophia* was derived from *philia*, “love,” and *sophia*, “wisdom.”

⁷⁵I.e., Apollo.

⁷⁶*Leg.* 1.60–62 considers in turn ethics, physics, and logic—the three parts of philosophy in ancient times. For analysis of Cicero’s ordering of these parts, see Dyck, *Commentary*, 221–22.

has recognized that he is not surrounded by the walls of some place but is a citizen of the whole universe as if it were one city—in this magnificence of things, and with this view and knowledge of nature, O immortal gods, how he will know himself (as Pythian Apollo⁷⁷ has instructed), how he will scorn, how he will look down upon, how he will consider as worth nothing those things that the crowd says are the most distinguished!

And he will fortify all these things as if by a sort of barrier through the method of discussing, the knowledge of judging true and false, and a certain art of understanding what follows each thing and what is opposite to it. And when he senses that he has been born for political fellowship, he will think that he must use not only precise argument but also speech that is continuous and extended more broadly, through which he may rule peoples, stabilize⁷⁸ laws, chastise the wicked, protect the good, praise famous men, issue precepts for health and fame suitable for persuading his fellow citizens, be able to urge to honor, be able to turn back others from shame, be able to console the stricken, and be able to hand down in everlasting memorials the deeds and resolutions of the courageous and the wise with the ignominy of the wicked. So many and so great are the things that are clearly seen to be present in a human being by those who want to know themselves. Their parent and educator is wisdom. 62

A: You have indeed praised that, seriously and truthfully. But to what purpose is it relevant? 63

M: First, Pomponius, to the things that we are now going to discuss, which we claim are so great. In fact they will not be unless the things from which they flow are very distinguished. Second, I do this gladly and, I hope, correctly, because I cannot pass over in silence the subject in eagerness for which I am held, and which has made me who I am.

A: In fact you do this correctly, deservedly, and piously, and, as you say, it was what had to be done in this conversation.

⁷⁷According to myth Apollo slew Python, a dragon, at Pytho, which was renamed Delphi.

⁷⁸Or “establish.”

Book 2

A: But since there has already been enough walking and you must make another start in speaking, do you want us to change our location and devote our attention to the rest of our conversation while sitting down on the island in the Fibrenus? I think that is the name of the other river. 1

M: Certainly. I regularly use that place most gladly, whether I am thinking something over or writing or reading something.

A: I, for one, cannot be sated, especially since I have just now come here, and I scorn magnificent villas, marble pavements, and paneled ceilings. The channels of water that they call “Nile” or “Euripus”¹—who would not mock them when he sees these things? And as you, in discussing law and right a little while ago, were judging everything according to nature, so in these very things that are sought for the mind’s rest and delight, nature dominates. In the past I used to marvel—for I used to think that there is nothing in these places but rocks and mountains, as I was influenced by your speeches and verses—but I used to marvel, as I said, that you were so strongly delighted by this place. Now, on the other hand, I marvel that you are ever anywhere else when you are away from Rome. 2

M: When it is possible for me to be away for many days, especially this time of year, I pursue this pleasantness and healthfulness; but it is rarely possible. But without doubt another reason also delights me, which does not concern you so much. 3

A: What in the world is that reason?

M: If we speak the truth, this is my, and my brother’s, genuine fatherland. Hence we sprang from the oldest root; here are sacred rites;

¹Euripus is the strait between Boeotia (on mainland Greece) and Euboea.

here is family; here are many traces of ancestors. What more? You see this villa as it is now, built more elegantly through the eagerness of our father, who spent most of his life here in literary studies because he was in feeble health.² But I would have you know that I was born in this very place when my grandfather³ lived and this villa was small according to the old custom, like the famous one of Curius in Sabine territory. For this reason there is something, I know not what, that is hidden in my mind and sentiments, because of which perhaps this place delights me more, as it is written that even that very wise man rejected immortality in order to see Ithaca.⁴

A: Certainly I think that is a just reason for your gladly coming here and cherishing this place. Recently (to tell the truth) I myself have become more favorable to that villa and to this entire soil from which you sprang and were born. For we are moved, I know not how, by the places in which traces of those whom we cherish or admire are present. That Athens of mine surely delights me not so much because of the magnificent works and refined arts of the ancients as because of the recollection of the highest men—where each one used to live, where he used to sit, where he used to argue; and I even observe their graves eagerly. Therefore, after this I will love even more this place where you were born.

M: Then I am glad to have shown you what is almost my cradle.

A: And of course I am very glad to know about it. But what did you mean by what you said a little while ago, that this place (by which I take you to be speaking of Arpinum) is your genuine fatherland? What? Do you have two fatherlands? Or is there the one common fatherland? Unless perhaps the fatherland of that wise Cato⁵ was not Rome but Tusculum.

M: By Hercules, I think that there are two fatherlands both for him and for all townsfolk,⁶ one of nature, the other of citizenship; as the famous Cato, although he was born in Tusculum, was adopted into the citizenship of the Roman people. Thus since he was Tusculan by birth, Roman by citizenship, he had one fatherland by place, another by law. As those from your Attica were simultaneously of their own places and of Attica before Theseus ordered them all to emigrate from

²For Marcus's and Quintus's father, see Marcus Tullius Cicero (2).

³For Marcus's and Quintus's grandfather, see Marcus Tullius Cicero (1).

⁴Odysseus refused Calypso's offer of immortality in order to return home. See Homer, *Odyssey* 1.58–59; 5.81–84, 135–36, 151–53.

⁵Marcus Porcius Cato (1).

⁶*Municeps*, the plural of which is translated as “townsfolk,” comes from *municipium*, the term for one of the many Italian towns whose residents were given Roman citizenship when Rome conquered them. This practice was extended to all noncolonies after 89.

the fields and to bring themselves into what is called “the city” [*astu*], so also we regard as a fatherland both the place where we were born and the place by which we have been received. But necessarily pre-eminent in our affection is the one [from] which comes the name of the republic [and] of the whole city, for which we ought to die, to which we ought to surrender ourselves entirely, and in which we ought to place and, so to speak, consecrate all our belongings. But the one that gave us birth is not much less sweet than the one that received us. And so in short I will never deny that this one is my fatherland. While that one is greater, this one is encompassed in it.

A: Correctly, then, did that famous Magnus of ours posit, as I heard him say when he was defending Ampius in a court of law together with you, that our republic could give very just thanks to this town because two of its preservers had come from it.⁷ Thus I now seem to be drawn to [the conclusion] also that this place that bore you is your fatherland. 6

But we have come to the island. Truly nothing is more pleasant than this. How the Fibrenus is split as if by the beak of a ship, and, divided equally into two parts, it washes against these sides, and, having flowed apart rapidly, it flows together quickly into one; and it encompasses so much as may be enough for a wrestling place of moderate size!⁸ With that done—as if its task and service were to make for us this seat for debating—it immediately plunges into the Liris and, as if it came into a patrician family, loses its more obscure name and makes the Liris much colder. I have not touched any more frigid river than this, although I have come to many; thus I can scarcely test it by my foot, as Socrates does in Plato’s *Phaedrus*.⁹

M: Truly it is so. But that Thyamis of yours in Epirus, which I have often heard about from Quintus, should concede nothing to this pleasantness, I think.¹⁰ 7

Q: It is as you say. In fact beware lest you think that anything is more splendid than the Amaltheum and the plane trees of our Atticus.¹¹ But if it seems good, let us settle here in the shade and return to the part of the conversation where we digressed.

M: You exact [payment for a debt] splendidly, Quintus (but I thought I had escaped!), and no [debt] can be left unpaid to you.

⁷I.e., Cicero and Marius.

⁸*Palaestra*, “wrestling place,” was often used to refer to a place for debate or discussion. The literal meaning of the word translated as “size” is “place.”

⁹Plato, *Phaedrus* 230b.

¹⁰Atticus had a villa in Epirus on the Thyamis River.

¹¹The Amaltheum was probably a temple to the nymph Amalthea.

Q: Then begin, for we are granting you the entire day.

M: "From Jupiter the beginnings of the Muses," as I began in my Aratean poem.¹²

Q: What is the point of that?

M: We also must now take the beginnings of our discussion from the same [Jupiter] and from the other immortal gods.

Q: Truly well done, brother, and so it ought to happen.

M: Then before we approach individual laws, let us see again the force and nature of law so that, since we must judge everything according to it, we do not occasionally slide into error in the conversation and ignore the force of its reason, by which we must mark out laws [*ius*]. 8

Q: Certainly, by Hercules, and that is the correct way of teaching.

M: Therefore, I see that this has been the opinion of very wise men: Law was not thought out by human intellects; it is not some resolution of peoples, but something eternal that rules the whole universe through the wisdom of commanding and prohibiting. So, they said, the chief and ultimate law is the mind of god compelling or forbidding all things by reason. As a result of that, the law that the gods gave to the human race has been correctly praised: it is the reason and mind of a wise being,¹³ suitable for ordering and deterring.

Q: Several times already you have touched on that point. But before you come to laws concerning the organization of the people, please explain the significance¹⁴ of that law of heaven so that the tide of habit may not swallow us and drag us according to the usual manner of conversation. 9

M: Well, Quintus, from childhood we have learned to name "If he calls into court [*ius*]" and other things of that sort "laws."¹⁵ But in fact it may be properly understood that this order, and other orders and prohibitions of peoples, have the force of calling them to deeds correctly done and calling them away from faults, a force that is not only older than the age of peoples and cities but also coeval with¹⁶ that of a god protecting¹⁷ and ruling the heaven and the earth. Well, the divine 10

¹²I.e., Cicero's translation of Aratus's *Phenomena*. The Muses were goddesses of the arts. Cicero does not slavishly follow Aratus's approach: see Caspar, *Recovering the Ancient View*, 111–13.

¹³The text contains no word for "being," only the adjective "wise" used as a substantive. The adjective is ambiguous: it may refer to the god or to a human being.

¹⁴The Latin for "significance," *vis*, is the same as the Latin for "force" in the previous section.

¹⁵Twelve Tables 1.1.

¹⁶Or "equal to."

¹⁷Or "contemplating."

mind cannot exist without reason, nor can divine reason not have this force in prescribing by law things that are correct and depraved. The fact that it had been nowhere written that one man should stand on the bridge against all the enemy's troops and order the bridge to be cut off from behind him does not mean that we will think any less that the famous Cocles performed such a deed in accordance with the law and command of courage. The absence of a written law at Rome concerning defilement during the reign of Lucius Tarquinius¹⁸ does not mean that Sextus Tarquinius did not bring force to bear upon Lucretia, daughter of Tricipitinus, contrary to that everlasting law. For reason existed, having originated from the nature of things, both impelling toward doing correctly and calling away from transgression. It did not begin to be a law precisely when it was written, but when it arose. And it arose together with the divine mind. Therefore, the true and chief law, suitable for ordering and forbidding, is the correct reason of Jupiter the Highest.

Q: I agree, brother, that what is correct and true is [also eternal] and that it neither rises nor falls with the documents in which resolutions are written.

11

M: Therefore, as that divine mind is the highest law, so too when it is in man, it has been fully developed in the mind of the wise man. Moreover, when things have been written for peoples variously and to suit the occasion, they hold the name of laws by favor more than by substance. [Those who more precisely inquire about these things] teach that all law that can correctly be called law is praiseworthy, by arguments such as these:¹⁹ It is surely settled that laws have been invented for the health of citizens, the safety of cities, and the quiet and happy life of human beings, and that those who first sanctioned resolutions of this sort showed to their peoples that they would write and provide those things by which, when they were received and adopted, they would live honorably and happily, and that they would of course name "laws" those things that were thus composed and sanctioned. From this it is properly understood that those who have written down orders that were ruinous and unjust to their peoples, since they did the opposite of what they promised and claimed, provided something other than laws, so it can be clear that interpreting the name of law involves the significance and sense of choosing what is just and true.²⁰

¹⁸Tarquinius Superbus.

¹⁹The inquirers of this sentence are philosophers, perhaps the Stoics in particular. The text of the first part of the sentence is uncertain; there may be a lacuna. I follow Powell's suggestion.

²⁰See *Leg.* 1.19, n. 39.

I ask you, then, Quintus, just as they²¹ often do: If the city lacks something on account of the lack of which it should be recognized to be worth nothing, should that thing be counted among the good things? 12

Q: And indeed among the greatest things.

M: Moreover, shouldn't a city lacking law be recognized to exist in no place for that very [reason]?

Q: It cannot be said [to be] otherwise.

M: Then it is necessary that law be recognized to be among the best things.

Q: I agree precisely.

M: What about the fact that peoples approve many things ruinously, many things disastrously, which no more approach the name of law than if robbers consecrated certain laws in their own meeting? The instructions of physicians cannot be truly so called if in ignorance and inexperience they prescribe deadly things in place of salutary ones. Nor, even if a people accepts something ruinous, will that be a law of any kind among a people. Therefore, law is a distinction between just and unjust things, modeled on nature, the most ancient and chief of all things, to which human laws are directed that visit the wicked with punishment and defend and protect the good. 13

Q: I understand very clearly, and I now think that any other law must be neither recognized as nor even called a law.

M: Then you think that the Titian and the Appuleian laws are not laws?²² 14

Q: Indeed, and not even the Livian.²³

M: And correctly, especially since they were repealed in one moment by one little line of the senate. But that law, the significance of which I have explained, can be neither eliminated nor repealed.

Q: Then of course you will propose laws that may never be repealed?

M: Certainly, provided they have been accepted by you two. But as Plato did, the most highly educated man and the most respected of all philosophers, the leading man who wrote on the republic and separately on the laws of a republic,²⁴ so I believe I must do: before I recite the law itself, I will speak in praise of that law. I see that Zaleucus and

²¹I.e., the philosophers, perhaps the Stoics in particular. The complex wording of this question in English reflects the Latin; Cicero is using the form of a syllogism.

²²The references are to Sextus Titius and Lucius Appuleius Saturninus.

²³The reference is to Marcus Livius Drusus.

²⁴According to Zetzel's translation and notes, Cicero wrongly believes that Plato's *Laws* gives the laws for the republic described in Plato's *Republic*. For analysis that properly gives greater credit to Cicero's intelligence, see J. G. F. Powell, "Were Cicero's *Laws* the Laws of Cicero's *Republic*?" in *Cicero's Republic*, ed. J. G. F. Powell and J. A. North, *Bulletin of the Institute of Classical Studies* 76 (London: Univ. of London, 2001), 18–20.

Charondas did the same thing in writing laws for their cities, surely not because of their enthusiasm and delight but for the sake of the republic. Of course Plato, having imitated them, also thought that it was the function of law to persuade to something, not to compel all things by force and threats.²⁵

Q: What about the fact that Timaeus²⁶ denies that such a Zaleucus ever existed? 15

M: But Theophrastus, hardly a lower authority in my opinion (many name him a better one)[, says so]; his own fellow citizens, my clients the Locrians,²⁷ recall him. But it makes no difference whether he existed; I speak what has been handed down.

Now then, let the citizens be persuaded of this at the start: the gods are masters and directors of all things; and those things carried out are carried out by their judgment and majesty; and they behave very well toward the human race; and they observe what sort of person each one is, what he does, what he permits himself, in what state of mind and with what piety he performs religious observances; and they retain an account of pious men and impious men. For, to be sure, minds imbued with those things will hardly shrink from an advantageous or a true opinion. For what is truer than that no one may properly be so foolishly arrogant as to think that reason and a mind are in himself but not in the heaven and the universe; or to think that the things that he may scarcely [grasp] by the highest reason of his intellect are moved [by no reason]? In fact, anyone who is not compelled to be grateful by the order of the stars, the alternations of day and night, the balance of the seasons,²⁸ the things produced for our enjoyment—how is it proper for him to be counted as a human being at all? And since all things that have reason excel the things that have no part in reason, and since it is unholy to say that any one thing excels the nature of all things, one must admit that reason is in it. Moreover, who could deny that these opinions are advantageous when he understands how many things are strengthened by swearing an oath, how conducive to safety are the religious duties of treaties, how many persons the fear of divine punishment has turned back from crime, how sacred is the fellowship of citizens among themselves, when the immortal gods have been interposed sometimes as judges, [at other times] as witnesses? 16

You have the preface to the law, for so Plato calls these things.²⁹

Q: Yes, I do have [it], brother, and I am very delighted that you are dealing with things and thoughts different from his. Nothing is so 17

²⁵Plato, *Laws* 4.718b-723d.

²⁶Timaeus of Tauromenium.

²⁷Cicero was the Locrians' official representative at Rome.

²⁸Literally, "of the months."

²⁹Plato, *Laws* 4.722d.

dissimilar as either the things you said before or this beginning about the gods. You seem to me to imitate him in one thing: the manner of speech.

M: Perhaps I want to, but who can, or ever will be able to, imitate that? Certainly it is very easy to translate his thoughts, and I would do that if I clearly did not want to be myself. What trouble is it to say the same things changed into nearly the same words?

Q: I agree precisely. As you yourself have just truthfully said, I prefer that you be yourself. But now please disclose those laws of yours concerning religion.

M: By all means I will disclose them as well as I can. And although 18
both the place and the conversation are intimate, I will propose in the voice of laws.

Q: Tell me, what is that?

M: There are certain words for laws, Quintus, not so archaic as those in our old Twelve Tables and sacred laws but still, to have more authority, a little more ancient than this conversation. I will follow that custom, then, with its brevity, if I can. The laws that I will issue are not complete—that would be endless—but the gist and sense of the subjects.

Q: That is truly necessary. Therefore, let us hear them.

M: [1]³⁰ Let them approach the gods purely; let them display piety; 19
let them remove wealth.³¹ [2] If anyone does otherwise, the god himself will be the avenger.

[3] No one shall have gods separately, neither new nor foreign, unless those gods have been publicly adopted. [4] Let them privately worship those who have been rightly [accepted] from their fathers [as having been worshipped].

[5] Let them have shrines [in cities]; let them have sacred groves in the fields and homes for the Lares.³² [6] Let them preserve the rites of family and fathers. [7] Let them worship as gods both those who have always been recognized as being in heaven and those whose merits have placed them in heaven—Hercules, Liber, Aesculapius, Castor, Pollux, Quirinus—and those things on account of which ascent to heaven is given to a human being—Mind, Virtue, Piety, Trust—and let there be shrines for those praiseworthy things and not for any of the vices.

[8] Let them go to solemn sacred rites. [9] Let them remove quarrels from holidays, and let them hold holidays among their servants when

³⁰In bks. 2 and 3, Powell uses subsection numbers to divide the proposed laws.

³¹I.e., religious ceremonies should not be characterized by displays of wealth.

³²See *Rep.* 3.3.

their work has been accomplished; and let that be configured so as to fall at breaks in the year. [10] Let the priests publicly offer certain crops and certain fruits.³³ [1] This [shall be done] in certain sacrifices on certain days, and let them save for other days the abundance of milk and offspring;³⁴ and so that no one can be guilty in this matter, let the priests arrange annual procedures according to a certain plan. [2] Let them foresee what sacrificial victims are suitable and pleasing to each god. 20

[3] Let there be [different] priests for different gods; let there be pontifices for all gods; let there be Flamines for individual gods; and let the Vestal Virgins in the city guard the everlasting fire of the public hearth.³⁵ [4] So that these things may happen privately with restraint and publicly by rite, let the ignorant learn from public priests. [5] Moreover, let there be two kinds of them: one that is in charge of ceremonies and sacred rites, another that interprets the strange pronouncements of prophets and seers whom the senate and the people approve.³⁶

[6] Moreover, let the interpreters of Jupiter the Best and Greatest, the public augurs, see things to come by signs and auspices; let them maintain the discipline;³⁷ [1] and let them foretell for vineyards and thickets and for the safety of the people;³⁸ [2] let them forewarn by the auspices those who carry on the matter of war and of the people; and let those persons comply. [3] And let them foresee the anger of the gods and give heed to it. [4] And let them neutralize³⁹ flashes of lightning in fixed regions of heaven;⁴⁰ and let them maintain the city, fields, and temples as freed and demarcated. [5] Whatever an augur pronounces to be unjust, unholy, vicious, let those things be invalid and undone. [6] And if anyone does not obey, let him be put to death. 21

[7] Let the Fetiales be judges and messengers for treaties and legal armistice;⁴¹ let them make rulings in regard to wars.

³³Here, for the first time, the Latin for “priest” is *sacerdos*, a general term (as distinguished from *pontifex*, which refers to a member of a college of priests).

³⁴I.e., sacrifices of milk and animals are to be made on other days.

³⁵See *Rep.* 2.26, n. 26.

³⁶The first group was the pontifices; the second, the board of fifteen who were in charge of the Sibylline books of oracles.

³⁷I.e., the discipline of interpreting omens.

³⁸The reference to the ceremony concerning vineyards and thickets is obscure. The ceremony concerning safety, the *augurium salutis*, involved a taking of the auspices followed by a prayer.

³⁹Literally, “temper.”

⁴⁰The Romans divided the heaven into sixteen regions, with deities assigned to various regions.

⁴¹The Fetiales were members of the college of priests who represented the Roman people in foreign affairs.

[8] Let persons refer omens and portents to the Etruscan soothsayers if the senate orders. [9] And let Etruria teach its leading men the discipline. [10] Let them make expiation to whatever gods they determine, and let the same men atone for flashes of lightning and things struck by lightning.

[11] Let there be no nocturnal sacrifices by women except those done rightly for the people.⁴²

[12] Let them initiate no one in the Greek sacred rite except, as is customary, to Ceres.⁴³

[1] Let a sacred rite done wrongly that cannot be expiated be impious; if it can be expiated, let the public priests expiate it. 22

[2] Let them direct the joy of the people, whether in running and contests of body with body, or in song, lyres, and flutes, by means of public games; and let them combine it with honor to the gods.

[3] Let them perform the best of the paternal rites.

[4] Other than the servants of the Idaean Mother—and them on the just days—let no one collect alms.⁴⁴

[5] Let whoever steals or seizes what is sacred or something entrusted to what is sacred be a parricide. [6] [Let] the divine penalty for perjury [be] death; the human penalty, dishonor. [7] Let the pontifices make violation of ritual purity punishable by the supreme punishment.⁴⁵ [8] Let the impious person not dare to appease the anger of the gods with gifts. [9] Let them discharge vows scrupulously. [10] Let there be a [divine] penalty when this [divine] law is violated.

[11] Let no one consecrate a field. [12] Let there be a limit in devoting gold, silver, and ivory. [13] Let private sacred rites remain perpetual. [14] Let the rights of the gods of the Lower World⁴⁶ be sacred. [15] Let them recognize their dead men⁴⁷ as gods. [16] Let them diminish expense and mourning for those men.

Q: How briefly you have defined this great law, brother! But as it certainly seems to me, that arrangement of religious observances does not differ much from the laws of Numa and our own customs.⁴⁸ 23

⁴²A permitted festival would be that of the Bona Dea, a goddess of fertility, performed in the home of the urban praetor; the presence of men was disallowed. A forbidden festival would be the secret Bacchanalia.

⁴³A Greek priestess from southern Italy (the area known as Magna Graecia) presided over the rite of Ceres, similar to the Eleusinian mysteries in Athens.

⁴⁴The Idaean Mother was Cybele. Her slaves were the castrated Galli, house slaves.

⁴⁵The Latin for “violation of ritual purity” is *incestus*; it encompasses both unchastity by a Vestal Virgin and sexual intercourse between blood relatives.

⁴⁶These gods were called Manes.

⁴⁷Literally, “men given to death.”

⁴⁸For the laws of Pompilius, see *Rep.* 2.25–27.

M: Since in *On the Republic* Africanus seems to persuade that our old one was the best of all republics, don't you think that it is necessary to give laws suited to the best republic?

Q: Yes, I think so precisely.

M: Then still more you should expect laws that hold together that best type of republic. And if by chance today I propose some that neither are nor were in our republic, they will nevertheless be for the most part [those that were formerly] within the custom of our ancestors, which was then as strong as a law.

A: Then please recommend that law so that I can say, "As you propose." 24

M: Really, Atticus? Otherwise you are not going to say that?

A: At any rate I will certainly approve no major matter otherwise. On minor matters I will yield to you, if you wish.⁴⁹

Q: And what is more, that is [my] opinion.

M: But be warned that it may take a long time.

A: Indeed I hope that it may! What would we prefer to do?

M: [19.1]⁵⁰ The law orders persons to approach the gods purely—in respect of mind, of course, in which all things exist. It does not remove purity of the body, but it may be properly understood that since the mind far excels the body, and since [the rule] should be observed that a person should approach with a pure body, purity should be preserved much more in minds. For [bodily impurity] is removed by either a sprinkling of water or a number of days; a stain on the mind cannot either fade because of long life or be washed out by any rivers. Moreover, the fact that it orders piety to be displayed and wealth to be removed signifies that probity is pleasing to the god and that expense should be rejected. And since we want poverty to be equal to riches among human beings, why do we keep it from approaching the gods by adding expense to sacred rites? Especially since nothing is going to be less pleasing to the god himself than that the way to appeasing and worshipping him not lie open to all. [19.2] And because not the judge but the god himself is established as avenger, religion seems to be strengthened by fear of present penalty. 25

[19.3] For persons to worship their own gods, either new or foreign, involves confusion of religions and ceremonies unknown to our priests. [19.4] Now it pleases the gods accepted [by] our fathers to be worshipped if our fathers themselves obeyed this law. 26

⁴⁹Atticus intends to vote for the laws that Marcus will propose; but on major matters Atticus will approve only if Marcus explains his recommendations. Dyck, *Commentary*, 324.

⁵⁰In the commentary on the proposed laws in bks. 2 and 3, the italicized numbers in brackets refer to the relevant section and subsection numbers of the proposed laws.

[19.5] I think that there should be shrines in cities. And I do not follow the magi of Persia by whose authority Xerxes is said to have burned the temples of Greece because they shut gods within walls, for whom all things ought to be open and free and whose temple and home are this entire universe. Better [were] the Greeks and ourselves, who wanted them to inhabit the same cities as we do in order to increase piety toward the gods. This opinion brings in its train a religion advantageous to cities if it has been well said by Pythagoras, a highly educated man, that “piety and religion most greatly abide in our minds when we give attention to divine things,” and by Thales, the wisest of the Seven, that “it is proper for human beings to think that everything [that] they notice is full of the gods, for all persons are going to be purer, just as when they were in the most religious sanctuaries.” According to opinion there is a certain appearance of the gods to the eyes, not only to minds. Sacred groves in the fields have the same meaning. Nor should we reject the religious observance of the Lares, handed down by our ancestors to both masters and servants, placed in view of farm and country house.

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[19.6] Now to preserve the rites of family and fathers—that is, since antiquity most nearly approaches the gods—[it is proper] to protect religion as if it were handed down by the gods. [19.7] Moreover, the fact that the law orders the worship of those consecrated from the human race, such as Hercules and others, indicates that the souls of all human beings are immortal, but that those of the courageous and good are divine. It is truly well done that Mind, Piety, Virtue, and Trust are consecrated, all of whom have publicly dedicated temples at Rome, so that those who have those things (and all good men have them) may think that the gods themselves have been placed in their souls. What happened at Athens when the crime of Cylon had been expiated was vicious: on the recommendation of Epimenides of Crete,⁵¹ they made a temple to Outrage and Shamelessness. It is proper to consecrate virtues, not vices. And the aged altar to Fever on the Palatine Hill and the other to Bad Fortune on the Esquiline Hill must be detested, and all things of this sort must be rejected. But if names must be fashioned, rather Vica Pota (conquering [*vincere*] and gaining possession [*potiri*]), Stata (standing [*stare*]), and the names⁵² Stayer and Unconquered for Jupiter,⁵³ and the names of things that should be desired, Safety, Honor, Assistance, and Victory. Since the soul is raised up by the expectation of good things, Hope was also

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⁵¹According to Plato (*Laws* 1.642d), however, Epimenides of Crete lived in the sixth century.

⁵²Literally, “cognomina” (plural of cognomen).

⁵³According to tradition Jupiter had “stayed” the flight of Romulus’s soldiers.

correctly consecrated by Caiatinus. And let there be a Fortune of This Day (it applies to all days) or [Fortune] Respecting for bringing assistance, or [Fortune] Chance, in which uncertain events are particularly signified, or [Fortune] Firstborn, from giving birth.⁵⁴ [19.8] * * *

[19.9] The plan for holidays and festivals involves rest from lawsuits and quarrels for free men, from tasks and labors for slaves. The arranger of the year ought to bring those together with the completion of agricultural tasks. [19.10–20.1] As to the dates, so that the offerings in sacrifices of offspring and animals (which were spoken of in the law) may be preserved, a plan for intercalating must be diligently maintained, which was skillfully begun by Numa but dismantled through the negligence of later pontifices.⁵⁵ [20.2] The instructions of the pontifices and soothsayers should not be changed: which victims should be sacrificed to which god, to which god there should be sacrifices of older [animals], to which god sacrifices of sucklings, to which of males, to which of females. 29

[20.3] Furthermore, the fact that there are a number of priests for all the gods, and individual ones for individual gods, results in the ability to provide legal [*ius*] advice and finish religious observances. And since Vesta includes the hearth, so to speak, of the city (as she was called by her Greek name [Hestia], while we have a name that is nearly the same),⁵⁶ virgins are in charge of her worship so that watch may be more easily kept for guarding the fire, and women may sense that the nature of females allows complete chastity.

[20.4] What follows, however, pertains not only to religion but also to the form of the city: without those who are publicly in charge of sacred rites, persons may not sufficiently carry out private religious observance. It holds together the republic for the people always to be in need of the judgment and authority of the aristocrats. [20.5] And the system of priests overlooks no kind of just religion. Some, who are in charge of solemn sacred rites, have been established to appease the gods; others, to interpret the prophecies of seers—not so many (so that the work should not be endless) nor so that anyone outside the college should know exactly what has been publicly undertaken. 30

[20.6–21.6] But the greatest and most outstanding right in the republic has been joined to the authority of the augurs. I feel this not because I myself am an augur but because it is necessary for us to 31

⁵⁴The Latin word that follows, *comestum*, is untranslatable here.

⁵⁵Discrepancy between the solar year and the civil calendar forced intercalation—i.e., adjustment of the calendar—but the practice was neglected in the late republic. Julius Caesar reformed the calendar by, among other things, giving 445 days to the year 46.

⁵⁶The Greek *hestia* refers to both the hearth and the goddess. The “hearth” properly refers to the fireplace of a private home; hence the qualifying phrase “so to speak.” Dyck, *Commentary*, 339.

be so esteemed. For if we inquire about what is right, what is greater than to be able to dismiss assemblies of the people or other assemblies instituted by the highest commanders and by the highest men in power, or to rescind their decisions? What is more serious than for a matter that has been undertaken to be broken off if one augur says, "On another [day]"? What is more magnificent than to be able to determine that the consuls should resign their magistracy? What is more religious than to grant or not to grant the right of conducting public business with the people or with the plebeians?⁵⁷ Or to repeal a law if it was not rightly [*ius*] proposed, as happened to the Titian law by the decree of the college,⁵⁸ as happened to the Livian laws by the judgment of Philippus the consul and augur;⁵⁹ or that nothing carried out for anyone by a magistrate at home or abroad can be approved without their authority?

A: Very well, I see and confess that those things are great. But there is a great disagreement in your college between Marcellus⁶⁰ and Appius,⁶¹ very good augurs (I happened upon their books), since it seems good to the one that the auspices have been arranged for the advantage of the republic, and to the other that your discipline should seem to be able to divine, so to speak. I ask what you feel about this matter. 32

M: Me? I feel that divination exists, which the Greeks call *mantikē*, and that the part of it that concerns birds and other signs belongs to our discipline. For if we admit that gods exist, that the universe is ruled by their mind, and that the same beings take care of the human race and can show us signs of the future, I do not see why I should deny that divination exists. And those things are as I posited. What we want follows from, and is conclusively proved by, those things. In fact our republic, like all kingdoms, peoples, and entire nations, is full of very many examples that many true things have incredibly come to pass [in accordance with] the prophecies of augurs. Polyeidus would not have had so great a name, nor would Melampus, Mopsus, Amphiaraus, Calchas, or Helenus, nor would so many nations have retained it⁶² to 33

⁵⁷"The people" included both patricians and plebeians. Assemblies of the people included the *comitia tributa* and the *comitia centuriata*. The plebeians' assembly was the *concilium plebis*; from the third century on, its resolutions had the force of law. The Latin for "the right of conducting public business" is *ius agendi*. *Agendi* is a form of the verb *agere*. Hereafter any reference to conducting public business will translate a form of that Latin verb, including the Latin noun *actor*. (In no such instance will the Latin *res publica* be found.) The verb will be translated as "conducting an assembly" in *Leg.* 3.42.

⁵⁸I.e., the college of augurs.

⁵⁹The authors of the laws were Sextus Titius and Marcus Livius Drusus. See *Leg.* 2.14.

⁶⁰Gaius Claudius Marcellus.

⁶¹Appius Claudius Pulcher (2).

⁶²I.e., the taking of auspices.

this time, such as the Phrygians, Lycaonians, Cilicians, and particularly the Pisidians, if the passage of time had not taught that these things are certain. In fact our own Romulus would not have founded the city after having taken the auspices,⁶³ nor would the name of Attus Navius be flourishing so long in our memories, if all these men had not said many things marvelously true. But there is no doubt that this discipline and art of augurs have already passed away through old age and neglect. So I agree neither with him who denies that this knowledge ever existed in our college nor with him who thinks that it now exists. It seems to me to have been twofold among our ancestors: it would sometimes be relevant for an occasion in the republic, very often for a plan of action.

A: By Hercules, I believe it is so, and I completely agree with that account. But explain the other things. 34

M: [21.7] Indeed I will explain, and briefly if I can. What follows concerns the law [*ius*] of war, in which we have sanctioned by law that right and trust should exert as much influence as possible in undertaking, waging, and stopping it,⁶⁴ and that there should be public interpreters of them. [21.8–10] Now about the religious duties of the soothsayers, about expiations and purifications, I think that enough has been plainly said in the law itself.

A: I agree, since an entire speech deals with this religious duty⁶⁵ * * *

M: But on the other hand, as for what follows, I ask you, Titus, how you may agree or how I may soundly refute you.

A: What in the world is that?

M: [21.11] Concerning the nocturnal sacrifices by women. 35

A: In fact I agree, especially with the exception for the solemn, public sacrifice in the law itself.

M: Then what about Iacchus and our Eumolpids⁶⁶ and those majestic mysteries, if we eliminate nocturnal sacred rites? For we are giving laws not to the Roman people but to all good and steady peoples.

A: I believe that you will make an exception for those mysteries in which we ourselves have been initiated. 36

M: Yes, I will make an exception for them. Your Athens seems to me to have produced many outstanding, divine things and to have brought them into human life; but nothing is better than those mysteries through which we have been refined from a boorish, savage

⁶³See *Rep.* 2.16.

⁶⁴See *Rep.* 2.31.

⁶⁵Powell claims that Atticus refers here to Cicero's speech *On the Soothsayers' Response*. Powell, letter to Dyck, cited in Dyck, *Commentary*, 351.

⁶⁶The Eumolpids were a Greek family of priests at Eleusis associated with the Eleusinian mysteries.

life and softened to humanity. And we have recognized the initiatory rites,⁶⁷ as they are called, as in truth the beginnings of life, and we have accepted the plan not only for living with joy but also for dying with better hope. But the poets of comedy indicate what displeases me in these nocturnal rites: If such license were granted at Rome, what would that man have done who brought his deliberate lust into a sacrifice that it was not holy for his eyes to be turned toward even inadvertently?⁶⁸

A: Propose this law for Rome, by all means; but do not take away our own laws from us.

M: [21.12] Then I return to my own. Surely it must be very carefully sanctioned therein that clear light should guard the reputation of women by means of many persons' eyes, and that they should be initiated to Ceres in the rite by which they are initiated at Rome. Our ancestors' severity on this subject is shown by the old resolution of the senate concerning Bacchanalia, along with the inquiry [and] chastisement by the consuls through the addition of military force.⁶⁹ And (so that we may not by chance seem too harsh) in the heart of Greece, Diagondas the Theban eliminated all nocturnal rites by a permanent law. In fact Aristophanes, the wittiest poet of the old comedy, so harasses new gods and the nocturnal vigils for worshipping them that in his works Sabazius and certain other foreign gods are put on trial and thrown out of the city.

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[22.1] Moreover, the public priest should free from fear any imprudence that has been expiated by judgment. [But] he should condemn and judge as impious any boldness in wrongly performing [sacred rites and] fouling religious observances.

[22.2] Since public shows have been divided between the theater and the circus, in the circus let there be established contests of body with body—footraces, boxing, wrestling, and chariot races⁷⁰—until victory is certain, and let the theater resound with song, lyres, and flutes, provided that these things are directed as will be prescribed in the law. For I agree with Plato that nothing so easily flows into delicate, soft minds as the varying sounds of singing, of which it can scarcely be said how great is the force in each of two directions: it both spurs on the weary and makes weary the aroused; it relaxes minds and then reins them in.⁷¹ It was in the interest of many cities in Greece

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⁶⁷The Latin for "initiatory rites," *initia*, can also mean "first principles."

⁶⁸An example of the work of one such comic poet is Plautus, *Aulularia* 35–36. Marcus refers to Publius Clodius Pulcher.

⁶⁹The Roman magistrates suppressed these gatherings in 186.

⁷⁰Literally, "races of horses" or "chariots of horses."

⁷¹Plato, *Republic* 3.401d–402a, 4.424d; *Laws* 7.800d.

to preserve the ancient mode of voices: their customs slid toward softness at the same time as their songs changed. Either they were perverted by this sweetness and corruption, as certain men think, or when their toughness collapsed because of other vices, there was also a place in their changed ears and minds for this change.⁷² Therefore, the wisest man of Greece, and by far the most highly educated, strongly fears this stain. For he denies that the laws of music can be changed without a change of public laws.⁷³ But I do not think that this should be so strongly feared—or, to be sure, considered unimportant. Indeed [I see] this: those who once used to be filled with an agreeable toughness by the music of Livius⁷⁴ and Naevius now exult [and] twist their necks and roll their eyes in time with the inflections of the music. Formerly the Greece of old would seriously punish such things, seeing far in advance how the ruin, when it gradually slipped [into] citizens' minds, would suddenly overturn whole cities through bad studies and bad learning—if severe Sparta ordered the strings beyond [the number of] seven to be cut off the lyres of Timotheus.

[22.3] Then there is in the law that the best of the paternal rites should be performed. When the Athenians consulted Pythian Apollo about this, as to which religious observances they should maintain above all, the oracle announced, "Those that were within the custom of your ancestors." When they came again and said that the custom of their ancestors had often been changed, and they asked which custom above all, from the varying ones, they should follow, he responded, "The best." And surely it is the case that what is best should be recognized as the most ancient and nearest to the god.

[22.4] We eliminated alms, but we exempted what is appropriate for the Idaean Mother during a few days. [Collecting alms] fills minds with superstition, and it drains houses.

[22.5] The penalty for a sacrilegious person is not only for one who steals something sacred but also for one who steals something entrusted to what is sacred, and that now happens in many temples. Alexander is said to have put away money in a shrine at Soli in Cilicia, and Cleisthenes the extraordinary Athenian citizen is said to have entrusted his daughters' dowries to Juno at Samos when he feared for his own affairs.⁷⁵

[22.6–7] Now about perjuries, about violation of ritual purity, surely nothing must actually be argued here. [22.8] Impious persons should

⁷²Plato, *Laws* 3.700a–701b.

⁷³Plato, *Republic* 4.424c.

⁷⁴Lucius Livius Andronicus.

⁷⁵Cleisthenes's action supposedly occurred 508/7.

not dare to appease the gods with gifts. Let them listen to Plato, who forbids doubt concerning what state of mind the god will be in, since no good man wants to receive gifts from a wicked one.⁷⁶ [22.9] [Concerning] the performance of vows, enough has been said in the law; and a vow is a promise by which we are obligated to the god.

[22.10] There is truly no just objection to a penalty for violating a religious observance. Why should I use here the examples of criminals, of whom the tragedies are full? Instead I will touch upon things that are before our eyes. Although I fear that what I cite may seem to be beyond human fortune, nevertheless, since my conversation is with you, I will hold back nothing, and I will hope that what I say seems pleasing to the immortal gods rather than that it is respected by human beings.

At the time of my departure,⁷⁷ when the laws concerning religious observances were polluted by the crime of depraved citizens, our familial Lares were harassed, in their home a temple to License was constructed, and the man who had guarded those shrines was driven from them. Quickly survey with your mind what outcomes followed from these events (it accomplishes nothing for anyone to be named). I, who did not allow the guardian of the city⁷⁸ to be defiled by impious men, although all my things were snatched away and ruined, brought her down from my house to the house of her father, and I acquired judgments from the senate, from Italy, and from all nations that I had saved my fatherland. What more splendid thing could have happened to a human being than that? Some of those men whose crime demeaned and discredited religious observances at the time lie torn in pieces and scattered. Those who had been both the leading men in these crimes, and more impious than others in all religious observance, not only lacked [no] torture and dishonor [in] life but also went without burial and funeral rites.⁷⁹ 42

Q: By all means I recognize those things, brother, and I give deserved thanks to the gods. But too often we see that things turn out otherwise. 43

⁷⁶Plato, *Laws* 4.716c-717a.

⁷⁷Cicero uses a euphemism, the neutral word *discessus*, "departure," instead of the highly charged *exilium*, "exile." During his exile his house was burned down, and Clodius had a temple erected there to the deity that Clodius called Freedom but Cicero called License.

⁷⁸Before he left Rome, Cicero moved his own statue of Minerva, goddess of wisdom and "guardian of the city," to the Temple of Jupiter on the Capitoline Hill. Jupiter was Minerva's father.

⁷⁹Clodius died in a fight with supporters of Titus Annius Milo, candidate for the consulship, who had helped to bring back Cicero from exile. Clodius's supporters publicly cremated his body.

M: In fact, Quintus, we do not correctly consider what a divine penalty is, but we are drawn into error by the opinions of the crowd, and we do not discern the truth. We weigh men's wretchedness in terms of death or the body's pain or the mind's mourning or a law court's disfavor, things that I confess are human and have happened to many good men. The penalty for crime is solemn and, besides the outcomes that follow, is in itself very great. We have seen those who never would have been our enemies if they had not hated their fatherland, burning sometimes with desire, at other times with fear, in turn fearing and scorning religious observances because of the consciousness of what they have done, having broken through the judgments of human beings, not of gods. Now I will repress myself and pursue it no further, especially as I have obtained more in penalties than I sought. I will posit only so much in brief: divine penalty is twofold; it consists of harassing the minds of the living, as well as a reputation for the dead such that their death is approved by the judgment and joy of the living. 44

[22.11–12] I agree precisely with Plato that fields should not be consecrated. He uses almost these words (provided I can translate them):⁸⁰ 45

Therefore, like the hearth of domiciles, the earth is sacred to all the gods. For that reason let no one consecrate the same thing again. Moreover, gold and silver in cities, both privately and in temples, are invidious property. Ivory extracted from a corpse⁸¹ is hardly a pure enough gift to the god. Bronze and iron are furnishings of war, not of a temple. But anyone who wants shall consecrate in the common shrines something wooden made from a single piece of wood, or something of stone, or something woven, provided that it is not the result of more work than a woman does in a month. The color particularly suitable to a god is white, in everything but especially in something woven; let dyed things be avoided, except in the symbols of war. The most divine gifts are birds and paintings by one painter finished in a single day, and let other gifts be of this example.

These things seem good to that man. But I prescribe other things not so strictly, as I am overcome by either the vices of human beings or the resources of the times. I suspect that the cultivation of the land will be more sluggish if an element of superstition is added to its maintenance and to plowing with an iron tool.

⁸⁰Plato, *Laws* 12.955e–956b.

⁸¹Literally, "soulless body."

A: I have knowledge of those things. [22.13–14] What now remains concerns perpetual sacred rites and the law concerning the gods of the Lower World.

M: Oh, your wonderful memory, Pomponius! Those things had escaped me.

A: So I believe! But I remember and [await] these things more because they pertain to both pontifical and civil law [*ius*]. 46

M: Certainly, and there have been many legal opinions and writings by very knowledgeable men concerning these things. And in our entire conversation, whatever kind of law our debate leads me to, I will treat our civil law [*ius*] on this very subject, as far as I can, in such a way that it may be known whence each part of the law [*ius*] is drawn, so that it should not be difficult for one who has only ordinary intellect to have a grasp of the law [*ius*] concerning it, whatever new case or client's question may arise, when you know from what source it should be traced. But the jurisconsults, whether for the sake of deceiving⁸² so that they may seem to know more things as well as more difficult things, or (what is more like the truth) through teaching in ignorance—for not only does knowing have an element of art, but [there is] also a sort of art of teaching—often separate what is based on one notion into innumerable things. For instance, how great do the Scaevolae,⁸³ both of them pontifices and very knowledgeable in the law [*ius*], make this very subject out to be! "Often," says Publius's son, "I have heard from my father that no pontifex is good who does not know the civil law [*ius*]." The whole thing? Why so? Why should a pontifex know about the law [*ius*] of walls or waters or anything at all that has not been linked to religion? But how little is that—concerning sacred rites, I believe, concerning vows, concerning holidays and concerning graves, and anything of that sort. Why, then, do we make so much of these things, since they are very small? But concerning sacred rites, a topic of wider importance, there is this one maxim: they should be preserved forever and then handed down in families, and, as I put in the law, the sacred rites should be perpetual. These laws followed through the pontifices' authority so that the memory of sacred rites should not pass away at the death of the father of the family; these rites should be assigned to those persons to whom money comes at a person's death. With that one thing laid down, which is sufficient for the knowledge of the practice, countless things arise with which the jurisconsults' books are filled. 47 48

⁸²Literally, "offering error."

⁸³Publius Mucius Scaevola and Quintus Mucius Scaevola (2), here and in *Leg.* 2.50, 52.

There is a question about those who are bound by the sacred rites. The cause of the heirs is most just, for there is no person who comes nearer the place of him who has departed from life. Next, he who by the death or the will of that person takes as much as all the heirs [combined];⁸⁴ that is also in order, for it is appropriate to what has been proposed. In the third place, if there is no heir, he who takes through use by possessing the greater part of his goods when he dies.⁸⁵ Fourth, if no one has acquired any of the property, is the one of his creditors who recoups the most. Last is the person who owed money to the dead person and has paid it to no one; he should be held to have acquired this as money. We have learned those things from Scaevola.⁸⁶ They were not thus arranged by the ancients. Those men taught by these words: "There are three ways to be bound by sacred rites: by inheritance; or by acquiring the greater part of the property; or, if the greater part of the property was left as a legacy, by acquiring anything of it." But let us follow the Pontifex. You see, then, that all things depend on this one thing: the pontifices want the sacred rites to be linked to the property and think that holidays and ceremonies should be assigned to the men [to whom the property has come].

And the Scaevolae also grant this: when there is a division, as in the case where a deduction has not been written in the will, and they themselves⁸⁷ take less than is left to all the heirs [combined], they should not be bound by the sacred rites. (In the case of a gift, they interpret the same thing otherwise: what the father of the family has approved in the gift of him who is in his power, that is valid; but if it was done in his ignorance and he does not approve it, it is not valid.)⁸⁸ Many little questions arise from these resolutions. What understanding person cannot easily examine them by himself, if he refers them to their source? For example, if anyone had taken less in order not to be bound by the sacred rites, and later any one of his heirs had

⁸⁴I.e., in the form of a legacy. The decedent could have left a portion of his estate as a legacy to one person or more (the legatees), which the heir(s) would be required to pay.

⁸⁵See *Leg.* 1.55, n. 73, on "a taking by possession."

⁸⁶Quintus Mucius Scaevola (2).

⁸⁷I.e., the legatees. The author of a will who intended to leave half of his estate in legacies would make a deduction from that half to relieve the legatees of the burden of the rites. The Scaevolae's rule allowed the legatees to avoid the burden when the deduction had not been made, by accepting less than half of the estate.

⁸⁸Keyes offers an excellent explanation of this difficult passage: "This decision seems to be thought of as inconsistent with the former because the scheme made use of by the legatees is really a gift of part of the estate, made without the approval of the testator." Clinton Walker Keyes, trans., "*De re publica*," "*De legibus*," by Cicero, Loeb Classical Library (London: William Heinemann, 1928), 434 n. 1 (hereafter cited as "Keyes translation").

demanded for his own part what had been refused⁸⁹ by him whose heir he was, and this money, including the earlier exaction, was not less than what had been left to all the heirs [combined], he who had demanded the money would alone, without his coheirs, be bound by the sacred rites.⁹⁰ They also stipulate that he to whom more has been left as a legacy than it is allowed to take without religious obligation may release the heirs of the will through an act of sale because in that way the property has been released from inheritance as if the money had not been left as a legacy.⁹¹

On this topic and on many others, I ask you Scaevolae, highest pontifices and very sharp men in my judgment, why you desire to add civil to pontifical law [*ius*]. In fact through the knowledge of civil law [*ius*], you repeal the pontifical in a certain way. For the sacred rites are linked to the property by the pontifices' authority, not by law. And so if you were merely pontifices, pontifical authority would remain; but because you are also the most knowledgeable about civil law [*ius*], you frustrate that authority by this knowledge. It seemed good to Publius Scaevola and Tiberius Coruncanius, the highest pontifices, and also others, that those who acquired the same amount as all the heirs [combined] should be bound by the sacred rites. There we have pontifical law [*ius*]. What is added to this from civil law [*ius*]? The principle of the division has been scrupulously written that one hundred *nummi* should be deducted;⁹² a reason has been found for the money to be freed from the trouble of the sacred rites. What if he who made the will had not wanted to take that precaution? Mucius the Pontifex himself, as a jurisconsult, advises that he take less than is left to all the heirs [combined]. Earlier men said that he was bound, whatever he had taken; but now he is freed from the sacred rites. This has truly nothing to do with pontifical law and is from the heart of civil law: they should release the heir of the will through an act of sale, and the matter should be at the same point as if the property had not been

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⁸⁹Literally, "omitted."

⁹⁰Rudd offers a good restatement here: "Y accepts from X the amount of A minus B in order to evade the duty of conducting the rites. Later, Z receives from Y sum A, but then acquires in addition sum B, which Y had decided to forgo. If A + B = half or more of Y's total estate, Z is then obliged to perform the rites himself." Niall Rudd, trans., *"The Republic," "The Laws,"* by Cicero (Oxford: Oxford Univ. Press, 1998), 213.

⁹¹Again Keyes provides a fine explanation: "For example, suppose A leaves to B a legacy of 10,000 sesterces. A's heir, C, is bound to pay this legacy out of the estate. But B makes a contract with C by which he relinquishes all his rights to the legacy in consideration of the payment to him of 10,000 sesterces by C personally. Then B has 'sold' his right to the legacy, and, as he receives nothing whatever from A's estate, is freed from the obligation of the rites without pecuniary loss" (Keyes translation, 434–35 n. 2).

⁹²I.e., coins of small value should be deducted from one-half of the estate.

left as a legacy. If he to whom the legacy has been left has stipulated that the money left as a legacy is owed through the stipulation, and that it is not * * *

M: [22.14] * * * an educated man, to be sure, and he was a very close friend of Accius.⁹³ But I believe that just as men long ago observed February as the last month of the year, so he observed December. Moreover, he thought that it was an essential part of piety to make offerings at the graves of the dead with a very large sacrificial animal. There is now such a religious significance attached to graves that they⁹⁴ deny that it is holy for someone who is outside the sacred rites and the family to be brought in; and among our ancestors Aulus Torquatus⁹⁵ so judged in the case of the Popillian family. Nor in fact would the days of purification [*denicales*], which were called from death [*nex*] because they are passed in behalf of the dead, be called “holy,”⁹⁶ like the days of rest of the other heavenly beings, if our ancestors had not wanted [22.15] those who have departed from this life to be among the group of the gods. It is right to assign those days in the calendar so that they will coincide with neither private nor public holidays.⁹⁷ The entire arrangement of this pontifical law proclaims a great religious observance and ceremony. It is not necessary for us to set forth in words what is the limit for a family in mourning, what kind of sacrifice is made to the Lar with castrated male sheep, how a severed bone is covered with earth, what are the contracted rights concerning a sow, when a grave begins to be held under religious observance.⁹⁸

And to me, at any rate, it seems that the most ancient kind of burial was what Cyrus uses in Xenophon’s work: the body is returned to the earth and placed and interred as if it were spread over by its mother’s covering.⁹⁹ And we have accepted that our King Numa was buried by the same rite in the grave that is [not] far from the altar of Fons, and we know that the Cornelian family has used that place of burial up to our time. The conqueror Sulla ordered the interred remains of Gaius Marius to be scattered in the Anio River, spurred on by a more bitter hatred than he would have had if he had been as wise as he was ardent. Perhaps fearing [that] the same thing would happen to his own

⁹³The “educated man” was probably Decimus Iunius Brutus Callaicus.

⁹⁴Probably the pontifices in general.

⁹⁵The identity of this man is uncertain.

⁹⁶Literally, “holidays.”

⁹⁷Literally, “It is right to assign those days in these days so that they are holidays neither of himself nor public.”

⁹⁸Of the rites or procedures mentioned in this sentence, the first was for the purification of the family; the second consisted of cutting off a finger before a body was cremated; the third was for the consecration of the grave; the fourth is explained at *Leg.* 2.57.

⁹⁹Xenophon, *Education of Cyrus* 8.7.25.

body, he was the first of the patrician Corneli to want to be cremated. Ennius proclaims of Africanus, "Here he was interred."¹⁰⁰ Truly so, for those are said to be "interred" who have been buried. Nevertheless, it is not their grave before the rites have been carried out, and a pig has been slaughtered. And now it has come into common use regarding all buried persons [that] they are said to be inhumed [*humatus*]; that used to be appropriate for those whom earth [*humus*] had been thrown over and whom it covered over, and pontifical law confirms that custom. Before soil has been thrown over bone, the place where the body was cremated has no religious significance; when the soil has been thrown, it is by law "inhumed" and the soil is called ["earth"], and at that time it finally involves many religious laws. And so in the case of a man who was killed on a ship and then flung into the sea, Publius Mucius decreed that the family was pure because bone did not protrude above the earth. [The sacrifice of] a sow was obligatory to the heir, along with holding a three-day holiday and submitting to an offering of atonement by means of a female pig; if he had died in the sea, the same things except the offering of atonement and the holiday.

A: I see what things are in the pontifical law [*ius*], but I ask whether there is anything in the laws.

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M: Decidedly few things, Titus, and I think that they are not unknown to you. But these things have in view not so much religion as the law [*ius*] of graves. A law of the Twelve Tables says, "Let no one bury or cremate a dead human being in the city."¹⁰¹ I believe [that is either] * * * or because of the danger of fire. Moreover, that it adds "or cremate" indicates that the one who is buried is not the cremated person but the inhumed person.

A: What about the famous men who were buried in the city after the Twelve Tables?

M: Titus, I believe that they were either those to whom this was granted before this law on account of their virtue, such as Publicola, such as Tubertus, and their descendants maintained this right, or those who were exempted from the laws and attained this on account of their virtue, such as Gaius Fabricius. But [as] the law forbids burial in the city, so there is a decree from the college of pontifices that it is not right for a grave to be built in a public place. You know the Temple of Honor outside the Colline gate. There is a tradition¹⁰² that there was

¹⁰⁰Ennius, *Epigrams* fragments 5–6. Ennius's reference is to Africanus, not Scipio. See also *Rep.* fragments of uncertain location 1 and 2.

¹⁰¹References to the Twelve Tables in *Leg.* 2.58–61 are to 10.1–10.

¹⁰²Literally, "It has been handed down."

an altar in that location. When a metal plate was found there, and on that metal plate was written "BELONGING TO HONOR," it was for this reason [that] this temple was dedicated. But since there were many graves in that location, they were dug up. For the college concluded that a public place could not have been obligated by a private religious observance.

[22.16] There are other things in the Twelve Tables for the diminishing of expense and of lamentation in funerals, almost all of which were brought over from Solon's laws. "Let no one do more than this," one of them says; "let no one smooth a funeral pile with a trowel." (You know the ones that follow. As boys we used to learn the Twelve Tables as a required chant. Now no one learns them.) Then with the expense thinned to three small veils, a scanty, purple tunic, and ten flutists, it also eliminates lamentation: "Let women not scratch their cheeks or have wailing on account of a death." The old interpreters Sextus Aelius and Lucius Acilius said that they did not sufficiently understand this, but they suspected that it [was] some kind of garment for funerals. Lucius Aelius said that wailing [*lessus*] was mournful wailing [*eiulatio*], so to speak, as the word itself signifies. I judge that the latter is truer than the former, because Solon's law forbids exactly that.

These things are praiseworthy, and almost all of them are common between opulent men and plebeians. It is greatly in accord with nature for a difference of fortune to be eliminated in death. The Twelve Tables also eliminated other provisions for funerals by which mourning is increased. One of them says, "Let no one gather the bones of a dead human being to have a funeral later." [Because it had frequently happened that more than one funeral was carried out and more than one bier was spread, I believe that it was established in the law that this should not happen.] It makes an exception for death in war or in a foreign land. These things are also in the laws: about anointing, that "an anointing of a [dead] slave" is eliminated, as is "all drinking together."¹⁰³ These things are correctly eliminated, but they would not have been eliminated if they had not existed. "No expensive sprinkling [of the pyre with wine]," "no long garlands," "no incense boxes"—let these be passed over. The indication is that the ornaments of praise pertain to the dead because the law orders that a garland obtained because of virtue may be placed without offense both on him who obtained it and on his parent. Since "or let no one add gold" was in the law, [see] how humanely the other law makes an exception: "But for

¹⁰³I.e., drinking as part of a funereal meal.

a person whose teeth have been bound with gold, there is no offense involved in burying or cremating him." And at the same time see how a distinction is recognized between burying and cremating. There are two more laws concerning graves, of which one takes precaution for private persons' buildings while the other takes precaution for graves themselves. The provision forbidding construction of a funeral pile or a tomb within sixty feet of others' dwellings against the will of the master is made from fear of fire in the dwellings. Moreover, the provision forbidding a forum (that is, the entry to a grave) or a tomb from being taken through use protects the right of graves.¹⁰⁴ 61

We have these things in the Twelve Tables certainly according to nature, which is the standard for law. The remaining things are in our custom: that a funeral should be declared if any games [are to take place]; that the master of the funeral should use an attendant and licensors; that praiseworthy things about honored men should be recalled in an assembly; and also that those things should be accompanied by a song to the sound of a flutist, of which the name is *nenia*, by which designation mournful songs are also named [among] the Greeks. 62

A: I am glad that our laws [*ius*] are tailored to nature. I am completely delighted by our ancestors' wisdom. But tell me that there is a limit on graves also, as on other expense.

M: You correctly seek that. In fact I believe that [you] have seen to what expense that matter has already been carried in the case of the grave of Gaius Figulus. Many examples exist from our ancestors that formerly there was extremely little desire for that thing. From the principle that orders them to remove expenses and mourning from the law [*ius*] concerning the gods of the Lower World, our interpreters of the law should especially understand that the magnificence of graves should be diminished. These things have not been neglected by the wisest writers of laws. Besides, they are in the Athenians' custom: as they say, this law [*ius*] concerning inhuming with earth remained from Cecrops. When the closest relatives had carried it out, and the earth had been spread over, it was sown with grain so that the interior and bosom, as if of one's mother, was granted to the dead person, but the soil was expiated with grain so that it could be returned to the living. A banquet followed, which the relatives attended wearing garlands. When something true had been mentioned among them in praise of the dead person (it was held to be unholy to lie), the rites were finished. Later (as the Phalerean¹⁰⁵ writes), when expensive, sorrowful funerals began to happen, they were eliminated by a 63 64

¹⁰⁴See *Leg.* 1.55, n. 73, on "a taking by possession."

¹⁰⁵I.e., Demetrius.

law of Solon. Our decemvirs put that law into Table Ten in almost the same words, for those bits about the three small veils and most of the rest are Solon's. The matters concerning laments were truly expressed in these words: "Let women not scratch their cheeks or have wailing on account of a death." Concerning graves, however, there is nothing in Solon more ample than "No one should destroy them or bring in another"; and the penalty exists "if anyone defiles, dislodges, or breaks a tomb" (I think it is called *tumbon*) "or any memorial or a column." After some time, because of the size of the graves that we see in the Ceramicus, it was established by law, "No one should make a grave that is the result of more work than ten men accomplish in three days." Nor was it allowed for it to be adorned with plasterwork, nor 65 for those things that they call Hermes pillars¹⁰⁶ to be placed on it; nor was it allowed to speak in praise of the dead except at public burials, nor by anyone who was not publicly appointed for this event. The crowding of men and women was also eliminated, and lamentation was thereby diminished, for the gathering of human beings increases mourning. For that reason Pittacus altogether forbids anyone to come 66 to the funeral of someone not in his family.¹⁰⁷ But the same Demetrius says that again the magnificence of funerals and graves became frequent, almost as it is now at Rome. He himself diminished this habit by law—as you know, he was not only a very erudite man but also a citizen of the republic highly skilled at greatly protecting¹⁰⁸ the city—so he diminished expense not only by penalty but also by time: he ordered the carrying out for burial [to happen] before light. Moreover, he defined a limit for new graves: he did not want anything to be set up on top of the burial mound of earth except a small column no higher than three cubits, or a table or a bowl; and he set a certain magistrate in charge of managing this.

These things, then, are [what] your Athenians [did]. But let us look 67 to Plato, who remands the rites of funerals to the interpreters of religious duties (we maintain this custom). Moreover, about graves he says these things: He forbids any part of a cultivated field, or one that can be cultivated, to be taken for a grave; but where the nature of the field can produce so much that it may receive the bodies of the dead without damage to the living, it should be filled up as much as possible; and no one living or dead should diminish land that can bear crops and supply foods for us like a mother. In addition, he forbids 68 a grave to be built higher than what [five men] finish in five days,

¹⁰⁶A Hermes pillar was a square pedestal with a carved head on top.

¹⁰⁷Literally, "another's funeral."

¹⁰⁸Or "contemplating."

nor should a stone be erected or placed on it larger than what holds praise of the dead that is inscribed in no more than four heroic verses (which Ennius calls “long” verses).¹⁰⁹ Therefore, concerning graves we also have the authority of this very high man, by whom the expense of funerals is likewise prescribed at from one to five minae, based on wealth.¹¹⁰ He speaks in the same place concerning the immortality of souls and the tranquillity remaining for the good after death, [and] the penalties for the impious.¹¹¹

You have, then, I think, the entire topic of religious observances explained.

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Q: We truly do, brother, and indeed richly. But continue with the other things.

M: By all means I do continue, and since it pleased you to urge me to these things, I will finish in one day’s conversation, I hope, especially on this day. For I see that Plato did the same thing, that his entire speech on the laws was brought to an end on one summer day.¹¹² Therefore, I will do so, and I will speak on magistracies. For when religion has been established, that is surely what most holds together a republic.

Q (or A?): Yes, speak, and hold to that plan you have begun.

¹⁰⁹Plato, *Laws* 12.958d-959a. Ennius, p. 562.

¹¹⁰Plato, *Laws* 12.959d.

¹¹¹Plato, *Laws* 12.959a-b.

¹¹²Plato, *Laws* 3.683c.

Book 3

M: As I began, therefore, I will follow that divine man, whom I praise perhaps more often than is necessary because I am excited by a certain admiration. 1

A: You speak of Plato, of course.

M: Exactly, Atticus.

A: In fact you may never praise him either too strongly or too often. Even those men of mine,¹ who want no one other than their own man to be praised, concede to me that I may cherish him at my own choice.

M: Good for them, by Hercules! For what is worthier of your refinement? Your life and speech seem to me to have attained that very difficult alliance of seriousness with humaneness.

A: I am certainly glad that I interrupted you since you have given me so splendid a testimony of your judgment. But continue as you began.

M: Then shall we first praise the law itself with praises true and appropriate to its kind?

A: By all means, just as you did concerning the law of religious observances.

M: You see, then, that this is the significance of the magistrate, that he should rule over and prescribe things that are correct, advantageous, and linked to the laws. For as the laws rule over the magistrates, so the magistrates rule over the people. And it can truly be said that a magistrate is a speaking law, and a law is a silent magistrate. Furthermore, nothing is so suitable to right and the condition of nature (when I say that, I want it understood that I am speaking of the law) as command, without which no home or city or nation or the whole human race can exist, nor can the entire nature of things nor 2 3

¹I.e., the Epicureans.

the universe itself. Now the universe obeys the god, and the seas and lands obey the universe, and human life complies with the orders of the supreme law. And so that I may come to things “nearer home” and more known to us: All ancient nations formerly obeyed kings. This type of command was first entrusted to the most just and wisest men, and that was extremely effective in our own republic as long as regal power ruled over it. From that time forward it was handed down in turn to their descendants, and it remains among those who reign even now. But for those whom royal power did not please, they wanted not to obey no one, but not always to obey one man. But since we are giving laws for free peoples, and since I have previously spoken in a book² what I feel about the best republic, at this time I will tailor the laws to the form of city that I approve. So then, there is need of magistrates, without whose prudence and diligence the city cannot exist. The entire direction of the republic is encompassed in the system involving them. Not only a mode of commanding for them must be prescribed, but also a mode of complying for the citizens. For it is necessary that he who commands well should obey at some time, and he who temperately obeys seems to be worthy of commanding at some time. And so it is proper both for him who obeys to hope that he will command at some time, and for him who commands to think that in a brief time he will have to obey. In fact we prescribe not only that they should comply with and obey the magistrates, but also that they should respectfully remember and cherish them, as Charondas establishes in his laws. Our dear Plato concluded that those who oppose magistrates belong to the race of Titans, just as the Titans oppose the heavenly beings.³ Since this is so, please let us now come to the laws themselves.

A: Both that, and that order of things, seem good to me.

M: [1] Let commands be just; and let the citizens obey them temperately and without objection. [2] Let a magistrate keep a disobedient, guilty⁴ citizen within bounds by fine, chains, or lashes, if no equal or greater man in power or the people prohibits it;⁵ let there be a right of appeal to the people.⁶ [3] When the magistrate judges or demands a fine or penalty, let it be contended before the people. [4] Let there be

²Literally, “six books” (i.e., of *Rep.*).

³Plato, *Laws* 3.701b-c. Titans were gods of the generation preceding the Olympic gods and were dethroned by them.

⁴Or “harmful.”

⁵In the Roman Republic an official could have his decisions countermanded by an official with equal or greater authority.

⁶On this right of appeal to the people (*provocatio*), see *Rep.* 2.53–54.

no right of appeal on military service from the commander; and let whatever the man waging war commands be right and valid.

[5] Let there be several minor magistrates of the law divided into several parts: in military service let them command those whom they have been ordered to command, and let them be their tribunes;⁷ let them guard the public money in the city;⁸ let them watch over the chains of criminals; let them avenge capital matters;⁹ let them publicly coin bronze, silver, or gold;¹⁰ let them judge lawsuits that have been entered into;¹¹ let them do whatever the senate determines.

[1] And let there be aediles as caretakers of the city, of the grain supply, and of the formal games. [2] And for them let this be the first step toward a rank of more distinguished honor.

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[3] Let censors assess the ages, progeny, families, and wealth of the people. Let them look after the repairs, streets, waters, treasury, and taxes of the city.¹² Let them arrange the divisions of the people into tribes. Next let them arrange the knights and infantry in terms of wealth, age, and social class. Let them record the offspring in writing. Let them prohibit celibates. Let them control the customs of the people. Let them leave no reprehensible man in the senate. Let there be two of them; let them have a five-year magistracy;¹³ let the other magistrates be for one year; and let this power¹⁴ be forever.

[1] Let there be a praetor as umpire of what is right, who judges private matters or orders them to be judged. Let him be guardian of the civil law. Let there be as many of them with equal power as the senate determines or the people orders.

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[2] Let there be two men with royal command; and [from] preceding [*praeire*], judging [*iudicare*], and taking care [*consulere*] let them be called praetors [*praetor*], judges [*iudex*], consuls [*consul*].¹⁵ In military

⁷Six military tribunes served as officers of a single legion. They should not be confused with the tribunes of the plebeians.

⁸Literally, "at home." These officials were the quaestors.

⁹The officials in charge of guarding criminals and avenging capital crimes were the board of three in charge of punishment.

¹⁰There were three such officials.

¹¹There were ten such officials.

¹²Aediles were responsible for upkeep of temples and other buildings, streets, and aqueducts, while censors handled the contracts for their construction and repair.

¹³Marcus's most important proposed change to the Roman constitution should be noted here. According to the Roman constitution, the censors were elected every five years but served terms of only eighteen months. Marcus adds to their duties by having them look after public property and safeguard the institution of marriage, as well as guard the laws and evaluate the work of magistrates. See *Leg.* 3.47.

¹⁴I.e., the power of the censors.

¹⁵The terms *praetores* and *iudices* were probably older terms for the officials later known as *consules*.

service let them have the highest right; let them obey no one. Let the safety of the people be the highest law for them.¹⁶

[1] Let no one take the same magistracy unless ten years have intervened. Let them preserve the time limit according to the law of years.¹⁷ 9

[2] But when there is a graver war or discord of the citizens, if the senate determines, let one man hold the same right as the two consuls for no more than six months; and when he has been appointed through a favorable omen, let him be head of the people.¹⁸ And let him have someone who may rule the knights with equal right to that of the umpire of what is right.

[3] But when there are no consuls or head of the people, let there be no other magistrates, let the taking of auspices belong to the Fathers, and let them put forward from themselves those who can rightly elect consuls through the assembly of the people.¹⁹

[4] When the senate determines or the people orders, let commanders, men in power, and ambassadors leave the city;²⁰ let them wage just wars justly; let them spare the allies; let them contain themselves and their men; let them increase the glory of their people; let them return home with praise. [5] Let no one be an ambassador for the sake of his own property.

[6] Then let the ten men whom the plebeians elect for themselves as aid against violence be their tribunes, and let whatever they prohibit or whatever they formally propose to the plebeians be valid.²¹ Let them be sacred, and do not leave the plebeians bereft of tribunes.

[1] Let all magistrates have the power of taking the auspices and the judicial power. [2] And let the senate be composed of them. [3] Let its decrees be valid.²² But let whatever a man in equal or greater power 10

¹⁶Here is the first statement in literature of the famous sentence "*Salus populi suprema lex esto*." Although the phrase *salus populi* may be vague, Marcus does not intend to give unchecked power to the consuls. See *Leg.* 3.2, 3.9.2, 3.47. For analysis see Dyck, *Commentary*, 458–59.

¹⁷The law of years set a minimum age for holding various offices as well as intervals between them.

¹⁸Head of the people (*magister populi*) was the archaic title for the dictator. The head of the cavalry (*magister equitum*), mentioned in the next sentence, was his subordinate.

¹⁹The *interrex*. See *Rep.* 2.23.

²⁰*Imperia* is translated here as "commanders"; it refers to those officials with the highest power, *imperium*, which was equated with *regium*, translated in *Leg.* 3.8.2 as "royal command." *Imperium* belonged to consuls, military tribunes with consular power, praetors, dictators, and heads of the cavalry. *Potestates* is translated here as "men in power"; it refers to ordinary magistrates, such as quaestors and aediles. *Legationes* is translated here as "ambassadors"; it also refers to provincial governors and commanders of armies.

²¹The assumption is that the plebeians would ratify what the tribunes proposed.

²²Marcus seems to say that the senate's decrees should be immune to veto. But contrast this sentence with *Leg.* 3.8.1, 3.9.6, and the sentence in the text following this one. For analysis see Dyck, *Commentary*, 468–69.

prohibits be preserved, fully written. [4] Let this order²³ be without vice. [5] Let it be a model to others.

[6] The election of magistrates, the judicial decisions of the people, and their orders and prohibitions will be decided by vote; let [the votes] be known to the aristocrats, free to the plebeians.

[7] But whatever needs to be cared for that is beyond the magistrates, let the people elect someone to care for it, and give him the right to care for it.

[8] Let there be, for the consul, the praetor, the head of the people and of the knights, and for him whom the Fathers put forward in order to propose consuls, a right to conduct public business with the people and with the Fathers. And let there be, for the tribunes whom the plebeians elect for themselves, a right to conduct public business with the Fathers; let the same men bring to the plebeians what is needed.

[9] Let those things that are done through the people or the Fathers be moderate.

[1] Let there be either a reason or guilt for a senator who is not present. Let a senator declaim in his place and with measure. [2] Let him have a grasp of the people's concerns.

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[3] Let violence be absent among the people. [4] Let equal or greater power exert more influence.²⁴ [5] But if something is disturbed in the conduct of public business, let it be an offense against the one conducting public business. [6] Let the intercessor in a bad affair be [recognized as] a salutary citizen. [7] Let those who conduct public business look out for the taking of auspices; let them obey the public augur.

[8] Let them [store] promulgated proposals in the treasury [and not] act on [un]known ones. Let them ask for advice on matters one at a time, no more than once. Let them teach the people about the matter; let them allow [the people] to be taught by the magistrates and by private men. [9] Let them not propose laws of privilege. [10] Let them not put forward a proposal concerning the life of a citizen except through the greatest assembly of the people and through those whom the censors place in the divisions of the people.²⁵

[11] Let them neither take nor give a gift in seeking or carrying out power or after a term of office.²⁶ [12] Whatever of these matters someone departs from, let there be a penalty equal to the wrongdoing.

²³I.e., the senatorial order.

²⁴See *Leg.* 3.6, n. 5.

²⁵The centuriate assembly. See *Rep.* 2.39–40, 61.

²⁶Literally, "or after power has been carried out."

[13] Let the censors guard the fidelity of the laws. [14] Let private men refer their deeds to the censors, but let them not be any freer from the law.

The law has been recited: I will order you to depart and be given a ballot.²⁷

Q: Brother, you have put the system of all the magistracies in such a brief survey! But these things are almost those of our own city, although you have brought to the subject a little that is new. 12

M: Most correctly do you notice this, Quintus. In fact this is what Scipio praises in that book²⁸ and what he most approves as the balanced constitution of the republic, which could not have been brought about without such a system of magistracies. Now recognize this: the republic is held together by the magistracies and those who are in charge, and from their arrangement the type of each republic may be understood. Since the matter was established most wisely and most moderately by our ancestors, I had nothing, [or] certainly not much, that I thought should be changed in the laws.

A: Then will you explain to us about the magistracies, as you did in the law of religion at my prompting and asking, in such a way that you argue the reasons that such a system seems so good? 13

M: I will do as you want, Atticus, and I will explain that entire topic as it has been inquired into and debated by the most educated men of Greece. And, as I began, I will touch upon our own laws [*ius*].

A: I greatly await this subject of discussion.

M: And many things were said in that book,²⁹ as had to happen when the best republic was being inquired into. But there are certain appropriate things concerning magistracies at this point that were inquired into first by Theophrastus, then more precisely by Diogenes the Stoic.

A: Really? Have these things been treated even by the Stoics? 14

M: Only by the one I just named, and later by Panaetius, a great and especially erudite man. Those old men³⁰ were indeed sharp in discussing the republic as far as the meaning of the word extends, but not according to popular and political use. These things flowed more from the school of which Plato was the leading man. Later Aristotle brought to light this entire political topic through making arguments, as did Heraclides of Pontus, who took his start from the same Plato. As you know, Theophrastus, instructed by Aristotle, spent all his time in this kind of subject. Dicaearchus, educated by the same Aristotle,

²⁷A magistrate spoke such words when dismissing a popular assembly.

²⁸Literally, "in [six] books."

²⁹Literally, "those books."

³⁰I.e., the Stoics other than Diogenes and Panaetius.

was not lacking in this knowledge and study. Later the famous Demetrius of Phaleron, of whom I have already made mention, [a pupil] of Theophrastus, marvelously brought forth that learning from the shady retreats and leisure of erudite men not only into sunlight and dust but even into crisis and the battle line. Now we can recall both many great men in the republic who were ordinarily educated and many highly educated men who were not very involved in the republic. But who can easily be found besides this man who excelled in both things, so that he was a leading man both in eagerness for learning and in ruling the city?

A: I think I can [find someone], and indeed a certain one of us three. But continue as you had begun.

M: So then, they inquired whether it was acceptable for there to be one magistrate in the city whom the rest should obey. I understand that it was acceptable to our ancestors when the kings were driven out. But since the regal type of city, formerly approved, was later rejected because of the vices not so much of the kingdom as of the king, the name of king will seem to have been rejected, but the substance will remain if one man commands all the other magistrates. Therefore, not without cause were the ephors at Sparta set in opposition to the kings by Theopompus,³¹ and the tribunes set in opposition to the consuls among us. Now the consul has this exact [authority] that was put in the law: all the other magistrates should obey him except the tribune, who came into existence later so that the situation would not be what it had been. In fact this was the first thing that diminished the right of the consul because someone came into existence who was not controlled by him, then because [the tribune] brought aid not only to the other magistrates but also to private men who did not obey the consul.

Q: You are speaking of a very bad thing. For when that power arose, the weight of the aristocrats collapsed, and the force of the multitude grew.

M: That is not so, Quintus. In fact didn't that single right³² necessarily seem more haughty and more violent to the people? After a moderate, wise, balanced constitution was added to it * * *

[A large lacuna occurs in the manuscript.]

M: * * * moreover, the law is for all persons. [9.4 end] "Let them return home with praise": good and innocent men should not carry back anything but praise from either enemies or allies.

³¹Theopompus (1). See *Rep.* 2.58.

³²I.e., the right of the consul.

[9.5] It is now surely evident that nothing is more disgraceful than for someone to be made an ambassador except for the sake of the republic. I omit how those who pursue their inheritances or promissory notes by means of ambassadorial appointment manage themselves and have managed themselves. Perhaps this vice is in human beings. But I ask, what is more truly disgraceful than for an ambassador to be without responsibility, without instructions, without any service to the republic? Indeed as consul I would have eliminated this kind of ambassadorial appointment; although it seemed to conduce to the senate's convenience, the fullest senate would have approved if an irresponsible tribune of the plebeians had not then vetoed me.³³ I nevertheless diminished the time³⁴ and made annual what had been indefinite. So the disgrace remains, with its long life eliminated.

But now please let us depart from the provinces and return to the city.

A: Indeed that does please us, but least of all does it please those in the provinces.³⁵

M: But truly, Titus, if they will obey these laws, nothing will be sweeter for them than the city, than their own home; nothing will be more laborious and troublesome than a province.

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[9.6] Now the following law sanctions the power of the tribunes of the plebeians, which exists in our republic. Nothing needs to be discussed about this.

Q: But, by Hercules, brother, I do ask what you feel about this power! For it certainly seems disastrous to me. Surely it arose in sedition and for sedition. First, if we want to recollect its birth, we see that it was procreated among the citizens' weapons when places in the city were seized and besieged. Then, although it was swiftly killed—like a remarkably deformed boy in accordance with the Twelve Tables³⁶—in a brief time it was created again, I know not how, and arose much more horrid and foul.³⁷ To what has it not given rise? First, as is worthy of something impious, it snatched away all honor from the Fathers. It made all the lowest things equal to the highest, stirred them up, mixed them. When it had demolished the weight of leading men, still it never rested. If I leave behind Gaius Flaminius and the things that now seem archaic because of the passage of time, what right did the

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³³The name of this tribune is unknown.

³⁴I.e., the length of the appointments.

³⁵I.e., Romans living or traveling in Rome's provinces, seeking fame and fortune.

³⁶Twelve Tables 4.1.

³⁷Quintus refers to the restoration of the tribunate after the end of the decemvirate of 450–449.

tribunate of Tiberius Gracchus leave for respectable men?³⁸ And five years earlier, the tribune of the plebeians Gaius Curiatius, the lowest and dirtiest man of all, put the consuls Decimus Brutus and Publius Scipio³⁹ (and what great men they were!) into chains, something that had not happened before. Didn't the tribunate of Gaius Gracchus completely change the entire form of the republic by means of the daggers that he himself said that he flung into the forum, with which citizens would fight for life and death?⁴⁰ What now shall I say about Saturninus, Sulpicius,⁴¹ and the rest? The republic could not drive them away from itself without steel.

But why should I cite either old things or other persons' things rather than things that are both our own and recent?⁴² Who would ever have been so daring, so unfriendly to us as ever to think about overthrowing our position if he had not sharpened the sword's point of some tribune against us? When these criminal, depraved men did not find such a man in any home or even in any family, they thought that they had to disturb the families in the dark days of the republic. It is indeed extraordinary and glorious for the immortality of our reputation that no tribune could be found to oppose us for any payment, except a man who was not even allowed to be a tribune. But what slaughters he gave rise to! The furor of a dirty beast could have given rise to them without reason and without any good hope, inflamed by the furors of many persons. Because of that, in this matter I strongly approve of Sulla, who took away by his own law the power of doing wrong from the tribunes of the plebeians and left them that of bearing aid.⁴³ And although I have always exalted our friend Pompeius in all other matters with the most ample and highest praises, I am silent about the tribunician power. For it is not pleasing to censure him, but I cannot praise him.

M: Quintus, you see very clearly the defects of the tribunate. But in the making of any accusation, it is unfair to pass over the good things

³⁸Tiberius Sempronius Gracchus (2) directed two measures to the plebeians' assembly: his agrarian bill and his bill to distribute the legacy of Attalus of Pergamum to the Roman people. Those measures threatened the senate's powers to initiate legislation and to conduct foreign affairs.

³⁹Publius Cornelius Scipio Nasica Serapio.

⁴⁰The "daggers" were the radical legislative proposals of Tiberius Sempronius Gracchus (2).

⁴¹Publius Sulpicius Rufus.

⁴²For what follows, see *Leg.* 2.36.

⁴³As dictator in 82, Lucius Cornelius Sulla Felix passed laws abolishing the tribunes' power to introduce legislation and providing that only a senator could be a tribune and that one who became a tribune renounced any attempt to gain higher office. The tribunes retained the veto power to help plebeians in trouble with the law. As consul in 70, Gnaeus Pompeius Magnus (mentioned below) restored the tribunate to its position before Sulla.

while listing the bad ones and selecting the defects. By that method even the consulship can be disparaged if you collect the flaws of consuls (whom I do not want to list). I confess that there is something bad in that power itself, but without this bad we would not have the good that was sought in it.

The power of the tribunes of the plebeians is too great. Who denies that? The violence of the people, however, is much more ferocious, much more ardent. But it is sometimes more gentle because it has a leader than it would be if it had none. A leader reflects that he proceeds at his own risk; the people's attack has no consideration of its own risk. "But it is sometimes kindled." Yet it is often settled. What college is so desperate that none of the ten is of sound mind? A man who exercised a veto was not only disregarded but also removed, but he overturned Tiberius Gracchus himself. In fact what beat down Gracchus except that he repealed the power of a colleague who was exercising a veto?⁴⁴ But see our ancestors' wisdom in that matter: When the Fathers conceded this power to the plebeians, the weapons fell, the sedition was extinguished, a compromise was found so that the less important men thought that they were equalized to the leading men. In that one thing was the salvation of the city. "But there were the two Gracchi." And besides them you may list however many you like; since they are elected ten at a time, you will find in every time some ruinous tribunes, also some irresponsible, not respectable men, perhaps many. At least the highest social class lacks ill will; the plebeians make no dangerous struggles concerning their own right. For that reason, either the kings should not have been driven out or the plebeians should have been given freedom in substance, not in name. Nevertheless, it was given in such a way that they were drawn by many splendid [arrangements] to yield to the authority of the leading men.

Moreover, best and sweetest brother, my case came within the scope of the tribunician power, but it had no struggle with the tribunate. The plebeians were not spurred to ill will over my deeds, but the chains were released, and the slaves were spurred on; even military terror was added. I did not then have a struggle [only] with that instrument of death but with the gravest crisis⁴⁵ of the republic. If I had not yielded to it, my fatherland would not have received the long-lasting enjoyment of my beneficence. And the result of things indicated that.

⁴⁴After the tribune Marcus Octavius vetoed the grain bill of Tiberius Sempronius Gracchus (2), Gracchus had him removed from office in a move of dubious legality.

⁴⁵Literally, "time." The "instrument of death" was Clodius, whose tactics included using street gangs of slaves.

In fact who was there, not only of free men but also of slaves worthy of freedom, to whom my safety was not dear? But if the outcome of my deeds for the safety of the republic had not been pleasing to all, and if the inflamed ill will of the raging multitude had driven me out, and the tribunician force had spurred on the people against me, as was the case with Gracchus⁴⁶ against Laenas⁴⁷ and Saturninus against Metellus,⁴⁸ I would have borne it, O brother Quintus, and it is not so much the philosophers at Athens who would have consoled me—they would have had to do so—as the most famous men who, driven from that city, preferred being without an ungrateful city to remaining in a wicked one.⁴⁹ 26

As to the fact that you do not so strongly approve of Pompeius in that one matter, you hardly seem to me to pay enough attention to this: He had to see not only what was best but also what was necessary. He sensed that that power could not be withheld from this city. Indeed how could our people, who had desired it with such effort when it was unknown, have been able to do without it when it was known? It would not have been the part of a wise citizen to leave for a populist citizen, in a ruinous manner, a cause that was not ruinous and that was so popular that it could not be withstood.

You know, brother, that in a conversation of this kind, to make a transition to another subject one usually says, “Absolutely” or “It is precisely so.”

Q: I, for one, hardly agree. Nevertheless, I want you to continue to the remaining things.

M: You persist resolutely and remain in your old opinion?

A: By Hercules, I certainly do not disagree with our Quintus! But let us hear the remaining matters.

M: [10.1] Next, then, the powers of taking the auspices and the judicial powers are given to all magistrates: judicial powers so that there will be [this] power of the people to which one may make an appeal; the powers of taking the auspices so that commendable delays may hinder many disadvantageous assemblies of the people.⁵⁰ The immortal gods have often repressed an unjust urge of the people by means of the auspices. 27

[10.2] As to the fact that the senate is made of those who have held a magistracy, [it is] popular, I admit, for no one to come into the highest

⁴⁶Gaius Sempronius Gracchus.

⁴⁷Publius Popillius Laenas.

⁴⁸Quintus Caecilius Metellus Numidicus.

⁴⁹Such men included Aristides, Themistocles, and Cimon.

⁵⁰If a magistrate declared the auspices to be unfavorable, the assembly could not continue.

position except through the people, with choice by the censors eliminated. [10.3] But a tempering of this defect is at hand because the authority of the senate is strengthened in our law. In fact it follows: "Let its decrees be valid."⁵¹ The situation is such that if the senate is master of public deliberation, and all persons defend whatever it determines, and if the other orders want the republic to be governed by the deliberation of the leading order, then it is possible for that moderate and concordant form of the city to be maintained through the tempering of law [*ius*], since there is power in the people and authority in the senate, especially if the next law is obeyed. [10.4] The next one is, "Let this order be without vice. Let it be a model to others."

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Q: That law of yours is truly splendid, brother, but to say that the order should be without vice has wide application and calls for a censor as interpreter.

A: Although that entire order is truly loyal to you⁵² and retains the most pleasing memory of your consulship, with your permission I say, it can wear out not only the censors but also all the judges.

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M: Disregard those things, Atticus, for this speech concerns not this senate or these human beings who now exist, but those of the future, if by chance they are willing to obey these laws. Since the law orders them to be without every vice, no one who has a share in vice will even come into that order. But that is difficult to do except by a certain education and discipline. Perhaps we will say something about this if place and time exist for it.⁵³

A: The place will certainly not be lacking, since you control the order of the laws; the length of the day gives time generously. Even if you pass over it, I will seek again from you that point concerning education and discipline.

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M: Do that, Atticus, and if I pass over anything else. * * * [10.5] "Let it be a model to others." If we maintain that, [we maintain] everything. As the entire city is regularly stained by the desires and vices of its leading men, so it is regularly improved and corrected by their self-control. Lucius Lucullus, a great man and a friend to us all, was reported to have responded very conveniently, when he was reproached for the magnificence of his Tusculan villa, that he had two neighbors, a Roman knight above him, a freedman below him, and that since they had magnificent villas, he ought to be allowed what was permitted to men of a lower order. Don't you see, Lucullus, that

⁵¹The Roman senate had no final authority to make decisions. Cicero's laws would give it such power.

⁵²Literally, "yours."

⁵³If Cicero ever wrote that discussion, it is not extant.

what they desired originated with you, that if you did not do this it would not be permitted to them? Who could tolerate such men when he saw their villas loaded with statues and paintings, some of them public, some of them even sacred and religious? Who would not curb the lusts of those men unless the men who ought to curb them were controlled by the same desires? In fact it is not so bad for the leading men to do wrong—although it is a very bad thing in itself—as it is that very many imitators of the leading men emerge. Now if you want to unroll the record of the times, you may see this: whatever was the quality of the highest men of the city, such was the city; whatever change of customs emerges among the leading men, the same thing will follow among the people. And that is more than just a little truer than what is acceptable to our dear Plato. He says that the forms of cities are changed along with changes in musicians' songs;⁵⁴ but I think that the customs of cities change along with changes in the nobles' lives and ways. Vicious leading men behave more ruinously toward the republic because they not only sow their own vices but also instill them into the city. Not only are they a hindrance by being corrupted themselves, but also, by corrupting others, they do more harm by example than by fault. And this law, extending to the entire order, can also be narrowed in scope. For few men, very few men, enlarged by honor and glory, can either corrupt or correct the customs of the city. But enough of this for now; it has been treated more carefully in that book.⁵⁵ Therefore, let us come to the remaining matters.

[10.6] The next matter concerns votes, which I order to be known to the aristocrats, free to the people.

A: By Hercules, I did pay attention, but I did not sufficiently understand what the law or those words meant.

M: I will say, Titus, and I will deal with a difficult matter, one that is much and often inquired into: whether it is better for the votes in electing a magistrate and in judging a defendant and in a proposal of laws to be given secretly or openly.

Q: Is there any doubt about this also? I fear that I will disagree with you again.

M: You will not, Quintus. For I know that I have the same opinion as you have always had, that there is nothing better than votes by voice. But it must be seen whether that can be achieved.

Q: But I say, brother, with your good favor, that that opinion both greatly deceives those who are inexperienced and is very often a hindrance to the republic—when something is said to be true and correct

⁵⁴Plato, *Republic* 4.424c.

⁵⁵That discussion in *Rep.* is not extant.

but unable to be achieved, that is, that the people cannot be withstood. For, first, it is withstood by severe action; second, it is better to be crushed by force in a good cause than to yield to a bad one. Moreover, who does not sense that the law of ballots took away all the aristocrats' authority? When the people was free, it never desired that; when it was crushed by the leading men's mastery and power, the same people demanded it. And so graver judgments concerning the most powerful men are found by voice than by ballot.⁵⁶ Therefore, the extreme lust for voting in causes that are not good should have been snatched away from powerful men. A hiding place should not have been given to the people in which a ballot could conceal a vicious vote while respectable men were ignorant of what each man felt. And so no provider or respectable author has ever been found for that plan.

There are four laws of ballots, the first of which concerns electing magistrates. It is the Gabinian, provided by an unknown man of low birth.⁵⁷ Two years later followed the Cassian, concerning trials before the people, provided by the noble man Lucius Cassius, but (I say with all due respect to his family) one who disagreed with respectable men and hunted after every bit of support by means of popular policy. Third, concerning the enacting and rejecting of laws, is Carbo's,⁵⁸ a seditious and wicked citizen; not even his return to respectable men could cause respectable men to provide him safety. Vote by voice seemed to be left in one subject, treason, which Cassius himself had exempted. Gaius Coelius gave the ballot to this trial also, and as long as he lived he grieved that in order to crush Gaius Popillius he had harmed the republic.

And indeed our grandfather, as long as he lived, with singular virtue resisted Marcus Gratidius, whose sister, our grandmother, he had as his wife. Gratidius was proposing a law of ballots in this town. Gratidius, as it is said, stirred up a flood in a ladle—which later his son Marius stirred up in the Aegean Sea.⁵⁹ And indeed with our [grandfather] * * * when the matter was referred to Marcus Scaurus the consul, he said, "If only, Marcus Cicero, you had preferred to employ that mind and virtue of yours with us in the highest republic rather than in that of your town."

Therefore, since we are not now reviewing the laws of the Roman people but are either recovering what has been snatched away or

⁵⁶Quintus's reasoning is that the people had greater freedom at the time when votes were cast by voice, so the people could make harsher judgments. Dyck, *Commentary*, 528.

⁵⁷Aulus Gabinus.

⁵⁸Gaius Papirius Carbo.

⁵⁹The reference is unclear.

writing new ones, I think that you must say not what can be achieved by this people but what is best. For example, your dear Scipio⁶⁰ sustains the blame for the Cassian law, which is said to have been provided through his authority. If you provide the one concerning ballots, you will answer for it yourself. For it is acceptable to neither me nor our friend Atticus, as I gather from his countenance.

A: In fact nothing populist has ever pleased me. I say that the best republic is what this consul⁶¹ established, which is in the power of the best men.

M: I see that you have indeed rejected the law without a ballot. But although Scipio said enough for himself in that book,⁶² I bestow this freedom on the people so that respectable men may be strong and use their authority. The law concerning votes has been thus recited by me: "Let them be known to the aristocrats, free to the plebeians." That law contains a verdict eliminating all laws that were provided afterward that conceal the vote in every manner: "No one may inspect the ballot"; "No one may ask for it"; "No one may accost [another man] concerning it." And the Marian law made the voting passages narrow.⁶³ If they are an obstacle to those who would bribe, as they mostly are, I do not disapprove. If the laws are still ineffective at preventing bribery, I concede that the people may have the ballot as a defender of freedom—provided it is shown and voluntarily offered to each excellent, highly respected citizen. The freedom should consist in this, that the power of honorably gratifying respectable men is given to the people. And now comes what you just said, Quintus, that the ballot condemns fewer men than voice usually does, because it is enough for the people to be permitted [to vote]. If that is retained, the rest of the will is transmitted through influence or gratitude.⁶⁴ And so, if I omit votes corrupted by largess, don't you see that—if bribery is dormant—what is sought in votes is what the best men feel?⁶⁵ Therefore, my law gives the appearance of freedom; the authority of respectable men is retained; a cause of contention is eliminated.

⁶⁰The one referred to as Scipio in *Rep.* and *Leg.*

⁶¹I.e., Marcus.

⁶²Literally, "those books." See *Rep.* 4.14–15.

⁶³This law of Marius, tribune in 119, made voters pass through a narrow bridge before casting their ballot, thereby reducing the opportunity for them to be bribed.

⁶⁴I.e., the people's will follows individuals whom the people respects or who have provided service or favors. In this sentence and the next one, Marcus puts his point in strikingly impersonal terms, thereby avoiding a direct attack on the tendency of the people. For example, in this sentence he does not specify to whose will he is referring, not even with a pronoun.

⁶⁵I.e., in casting their votes, most men take the side of the aristocrats, because most men support respectable or popular individuals.

[10.8]⁶⁶ A following one concerns those who have the right of conducting public business with the people or with the senate. [10.9] An important and, I think, splendid law: "Let those things that are done through the Fathers be moderate," that is, temperate and settled. For he who conducts public business directs and fashions not only minds and wills but almost the countenances of those among whom he acts. But that is not difficult in the senate. For a senator is not someone whose mind is carried away by one who conducts public business, but someone who wants to be watched for himself.

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[11.1] There are three orders for him: that he be present, for the matter obtains weight when the order⁶⁷ has its members present; that he speak in his place, that is, when he has been asked; that he speak with measure, that is, not endlessly. Brevity in [speaking] an opinion is a cause of great praise, not only for a senator but also for an orator. He should never use a long speech, [which happens most often in canvassing for votes,] except [when] the senate does wrong, and no magistrate is assisting, when it is advantageous for the day to be used up,⁶⁸ or when the cause is so great that there is need of an orator's ability for urging or teaching. Our friend Cato⁶⁹ is great in both of those respects. [11.2] What is added: "Let him have a grasp of the people's concerns." It is necessary for a senator to know the republic. And that has wide application: what soldiers it has, what it is worth in its treasury, what allies the republic has, what friends,⁷⁰ what tributaries, the law, agreement, and treaty for each one; to maintain the customary way of making decrees; to know the ancestors' precedents. Now you see the entire range of knowledge, diligence, and memory, without which a senator can in no way be prepared.

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[11.3] Then there are actions with the people, the first and greatest of which is, "Let violence be absent." Nothing is more disastrous to cities, nothing so contrary to right and laws, nothing less civil and more savage, than for anything to be done by violence in an orderly, established republic. [11.4] It orders a person to obey someone who exercises a veto, and there is nothing superior to that; for it is better for a good thing to be hindered than for a bad thing to be allowed. [11.5] As to my order that there is an offense by the one who conducts public business, I said that based entirely on the opinion of Crassus, a very wise man.⁷¹ The senate followed him concerning the sedition

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⁶⁶There is no commentary on *Leg.* 3.10.7.

⁶⁷I.e., the senatorial order.

⁶⁸I.e., in order to prevent a resolution from passing.

⁶⁹Marcus Porcius Cato (2).

⁷⁰The senate granted the title "friend of the Roman people" upon a magistrate's request.

⁷¹Lucius Licinius Crassus.

of Gnaeus Carbo, on referral from the consul Gaius Claudius,⁷² when it decreed that sedition cannot happen against the will of one who is conducting an assembly of the people. Surely he is permitted to dismiss the assembly as soon as there are a veto and a beginning of disturbance. [If] he persists when nothing can be done, he is seeking violence. He loses his impunity through this law. [11.6] This follows: "Let the intercessor in a bad affair be [recognized as] a salutary citizen." Who would not eagerly aid the republic if he were praised by so splendid a voice of the law? 43

[11.7] Next have been placed those things that we also have in our public institutions and laws: "Let them look out for the taking of auspices; let them obey the augur." Furthermore, it is the part of a good augur to remember that [he] ought to be at hand at the most important times of the republic, that he has been given as adviser and assistant to Jupiter the Best and Greatest just as those whom he has ordered to be at the taking of auspices are to him, that parts of heaven have been marked off and assigned to him, from which he can often bring assistance to the republic.

[11.8] Then concerning promulgation, concerning conducting matters individually, concerning listening to private men or magistrates. [11.9–10] Then two very splendid laws transferred from the Twelve Tables, of which one eliminates laws of privilege,⁷³ the other forbids proposals concerning the life of a citizen except through the greatest assembly of the people.⁷⁴ And since seditious tribunes of the plebeians had not yet been found, not even imagined, it must be marveled at that our ancestors had so much foresight. They did not want laws to be provided against private men: that is a law of privilege. What is more unjust than that, since the significance of law is [that it should be] a resolution and an order for all? They did not want [laws] to be provided concerning individuals except in the centuriate assembly. A people arranged by wealth, social class, and age displays more judgment in its vote than if it had been called together broadly by tribes. Thus all the truer is what Lucius Cotta, a man of great talent and utmost prudence, said in my case, that nothing at all had been done about me.⁷⁵ Besides the fact that those things were invalid [since] they [had been] carried out through the weapons of slaves, no [decision] by the assembly arranged according to tribes concerning the 44 45

⁷²Gaius Claudius Pulcher (2).

⁷³This law cannot be assigned a definite place in the Twelve Tables, and some scholars doubt its existence: see A. Guarino, "I 'privilegia' dai romanisti a Cicerone," *Labeo* 37 (1991): 339–42; Crawford, 2.698–700; Dyck, *Commentary*, 544.

⁷⁴Twelve Tables 9.2.

⁷⁵In this section Cicero refers to the laws exiling and recalling him, 58 and 57 respectively.

life of a citizen could be valid, nor any [decision] concerning a law of privilege. For that reason he said that I had no need of a law, as nothing at all had been done concerning me through the laws. But it seemed better both to you and to very famous men for all of Italy to show what it felt about someone concerning whom slaves and robbers said that they knew something.

[11.11] Laws follow concerning wealth that has been taken and bribery. And since they should be established more by judicial decisions than by words, [11.12] it is added, "Let there be a penalty equal to the wrongdoing," so that each man may be punished for his own vice: let violence be made punishable with [loss of] political life,⁷⁶ avarice with a fine, desire for honor with ignominy. 46

[11.13] The final laws are not familiar to us but are necessary for the republic. We have no guardian of the laws, so the laws are such as our clerks want. We seek them from copyists, and we have no public memory recorded in public documents. The Greeks are more careful about this: *nomophulakes*⁷⁷ are chosen among them. [Formerly they] kept an eye not only on the documents (that existed even among our ancestors) but also on the deeds of human beings, and they measured them by the laws. [Therefore,] let this care be given to the censors, 47
since indeed we want them always to exist in the republic.

[11.14] In the presence of the same men, let those who have left a magistracy announce and explain what they have carried out in their magistracy, and let the censors give preliminary judgment concerning them. This happens in Greece with publicly established accusers, who certainly cannot be respected unless they are volunteers.⁷⁸ For that reason it is better for accounts to be referred, and the case explained, to the censors; but the case should be kept open to the law, an accuser, and a court of law. But enough has now been discussed about magistrates, unless by chance you desire something more.

A: What if we are silent? Doesn't the topic itself remind you of what you need to say next?

M: What I need to say? I think you mean about the courts of law, Pomponius. In fact that is linked to the magistrates.

A: What about the law [*ius*] of the Roman people, with which you 48
begin? Don't you think that something needs to be said?

M: What in the world do you lack on this topic?

⁷⁶Or "life." For analysis see Dyck, *Commentary*, 548.

⁷⁷Guards of the laws; they watched over the public archives and ruled on the constitutionality of laws.

⁷⁸In Athens ten *logistai* were financial accountants, and ten *euthunoi* determined whether public or private wrong had been committed.

A: Me? What I lack is what I consider most disgraceful for those who are involved in the republic to ignore. As you just said that laws are sought from copyists, so I notice that most men in magistracies, because of their ignorance of the law [*ius*] concerning themselves,⁷⁹ are as wise as their clerks want them to be. Therefore, if you thought that something needed to be said concerning the transfer of ownership of the sacred rites when you proposed laws concerning religion, so, now that the magistracies have been established by law, you must discuss the law [*ius*] concerning powers.

M: I will do so briefly, if I can achieve that. For Marcus Iunius wrote many words to your father about this law—in my judgment knowledgeably and carefully. We, however, ought to reflect on the law of nature for ourselves, but we ought to say about the law of the Roman people what has been left behind and handed down.⁸⁰

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A: Precisely so, I think, and I await the very thing of which you speak.

⁷⁹I.e., the magistrates are ignorant of their official powers.

⁸⁰The text of the first part of this sentence is corrupt, and I have guessed at its meaning.

Fragments

1. (from book 3) Who will be able to protect the allies if he does not have a choice between advantageous and disadvantageous things?¹
2. (from book 5) Then, since the sun now seems to have declined a little from midday, and this entire place is not yet shaded enough by these young trees, do you² want us to go down to the Liris and pursue the remaining matters in those shady retreats of alders?³
3. (uncertain location) Just as the universe, all of whose parts are congruent with one another, coheres and supports itself by one and the same nature, so all human beings, joined among themselves by nature, disagree due to depravity, nor do they understand that they are blood relatives and all subject to one and the same guardian. If that were grasped, surely human beings would live the life of the gods.⁴
4. (uncertain location) And let us call ourselves happy, since death will bring a condition either better than that of life or certainly not worse. For divine life exists when the soul thrives without the body; and without sensation, there is surely nothing bad.⁵

¹Macrobius, *On the Differences and Similarities between the Greek and Latin Word* 17.6.

²Singular.

³Macrobius, *Saturnalia* 6.4.8. Macrobius's attestation is evidence that *Leg.* contained at least five books.

⁴Lactantius, *Divine Institutes* 5.8.10.

⁵Lactantius, *Divine Institutes* 3.19.2.

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Index of Personal Names

This index features real human beings and mythical divine and human beings. For Roman persons, alphabetization is usually by the person's second (i.e., family) name. All years are BCE. References include book and section numbers separated by a period (and where appropriate in the *Laws*, subsection number separated by another period). Some references do not involve explicit use of the name. There may be more than one reference to a person in a given section.

- Accius, Lucius (170–ca. 86): Tragedian, poet, and literary scholar. Commissioned by Iunius Brutus Callaicus to compose Saturnian epigrams to display in vestibule of Temple of Mars that Brutus built in Campus Martius. *Leg.* 2.54
- Achilles: Greatest Greek hero of Trojan War. Main character of Homer's *Iliad*. *Rep.* 1.30
- Acilius, Lucius (second century): Jurist and commentator on Twelve Tables. *Leg.* 2.59
- Aelius Paetus, Sextus: Consul 198. Pioneer of Roman jurisprudence and author of work on Twelve Tables. Nicknamed Catus (Clever). *Rep.* 1.30, 3.27; *Leg.* 2.59
- Aelius Stilo Praeconinus, Lucius (ca. 155–ca. 75): Stoic. Grammarian, etymologist, and speechwriter. *Leg.* 2.59
- Aelius Tubero, Quintus: Participant in *Republic*. Son of Scipio's sister Aemilia. Tribune before 129. His Stoicism led to moral and political rigidity that prevented further advance in politics. *Rep.* passim
- Aemilius Paullus, Lucius: Natural father of Scipio. Consul 182, 168. Defeated Perseus at Pydna in 168 to end Third Macedonian War. *Rep.* 1.14, 1.23, 1.31, 1.35–36, 2.1, 6.18–20, 6.30
- Aemilius Scaurus, Marcus: Consul 115. *Leg.* 3.36
- Aeschines (ca. 397–ca. 322): Athenian statesman and orator who opposed Demosthenes. *Rep.* 4.21
- Aesculapius: Roman god of healing. Asclepius in Greek. *Leg.* 2.19.7, 2.27
- Africanus: *See* Cornelius
- Ahala: *See* Servilius
- Alexander III (the Great): King of Macedon 336–323. Conquered Persia. His empire reached from Ionian Sea to northern India. *Rep.* 3.9, 3.frag. 1; *Leg.* 2.41
- Amphiaraus: Seer in early Greek myth. *Leg.* 2.33
- Ampius Balbus, Titus: Tribune 63. Supporter of Cicero and Pompey against Iulius Caesar. Defended by Cicero and Pompey in court (late 50s). *Leg.* 2.6
- Amulius: Legendary king of Alba Longa. *Rep.* 2.4
- Anaxagoras (probably 500–428): Teacher of natural philosophy in Athens for about twenty years. *Rep.* 1.25
- Ancus: *See* Marcius
- Antiochus of Ascalon (ca. 130–69/8): Head of Old Academy, which broke from Academy in belief that it was not faithful to Plato. Taught that moral principles of Plato, Stoics, and Peripatetics were substantively the same; thus he took dogmatic approach to philosophical questions. *Leg.* 1.54

- Antipater: *See* Coelius
- Apis: Sacred bull at Memphis in Egypt.
Rep. 3.9
- Apollo: Greek and Roman god of prophecy (with oracle at Delphi), healing, poetry, and music. *Rep.* 2.44; *Leg.* 1.58, 1.61, 2.40
- Appuleius Saturninus, Lucius: Tribune 103, 100. His law concerned agrarian matters and was passed contrary to auspices. Died violently as senate's enemy after having violently defended populist policies of Gracchi. *Leg.* 2.14, 3.20, 3.26
- Aratus (ca. 315–before 240): Wrote poem on astronomy entitled *Phenomena*, which Cicero translated into Latin in his youth. *Rep.* 1.22, 1.56; *Leg.* 2.7
- Arceilas (or Arcesilaus): Head of Academy from ca. 268. Made Academy less doctrinaire. Cicero claims that his approach was more in keeping with Socrates's philosophizing. *Leg.* 1.39
- Archimedes (ca. 287–212 or 211): Greek mathematician and engineer killed in siege of Syracuse. *Rep.* 1.21–22, 1.28
- Archytas of Tarentum: Pythagorean philosopher and mathematician; statesman and general. Saw to Plato's rescue from Dionysus II of Syracuse in 361. *Rep.* 1.16, 1.59–60
- Aristides: Athenian politician ostracized 483/2 for allegedly collaborating with Persia. *Leg.* 3.26
- Aristo of Chios (third century): Stoic student of Zeno who advocated strict ethics. *Leg.* 1.38, 1.55
- Aristodemus (fourth century): Tragic actor. Came from southern Italy but received Athenian citizenship. *Rep.* 4.21
- Aristophanes (ca. 455–ca. 386): Athenian comic poet whose works include *The Clouds* (satire of Socrates) and *The Seasons* (most of which has been lost). *Leg.* 2.37
- Aristotle (384–322): Student of Plato and founder of Peripatetic school. Author of *Nicomachean Ethics* and *Politics*, as well as works on science and logic and dialogues that are now lost but were known to Cicero. *Leg.* 1.38, 1.55, 3.14
- Asellio: *See* Sempronius
- Atilius Caiatinus (or Calatinus), Aulus: Consul 258, 254; dictator 249. Military hero of First Punic War, during which time he consecrated temple to Hope. *Rep.* 1.1; *Leg.* 2.28
- Atticus: *See* Pomponius
- Aurelius Cotta, Lucius: Consul 65. Initiated public thanksgiving to Cicero after he suppressed Catilinarian conspiracy in 63. *Leg.* 3.45
- Bacchus: Roman god of fertility and wine. Identified with Greek Dionysus. *Leg.* 2.37
- Barbatus: *See* Horatius
- Brutus: *See* Iunius
- Busiris: Legendary king of Egypt. *Rep.* 3.9
- Caecilius Metellus, Lucius: Consul 251. Captured Carthaginian elephants at Panormus, Sicily, in First Punic War. *Rep.* 1.1
- Caecilius Metellus Macedonicus, Quintus: Consul 143. Political opponent of both Scipio and Tiberius Sempronius Gracchus (2). *Rep.* 1.31
- Caecilius Metellus Numidicus, Quintus: Consul 109. Refused demand made of senators to support agrarian law of Appuleius Saturninus and went into exile in 100. *Rep.* 1.6; *Leg.* 3.26
- Caecilius Statius (fl. 179, d. 168): Roman comic dramatist. *Rep.* 4.20b
- Caiatinus: *See* Atilius
- Calchas: Seer in early Greek myth. *Leg.* 2.33
- Calpurnius Piso Frugi, Lucius: Consul 133. Author of history of Rome from founding to his own time. *Leg.* 1.6
- Camillus: *See* Furius
- Canuleius, Gaius: Tribune 445. *Rep.* 2.63
- Carbo: *See* Papirius
- Carneades: Head of Academy from before 155 to 137/6, which under him is now often referred to as New Academy or Third Academy to distinguish it from Academy in previous times. Carneades's Academy was marked by his skeptical approach to philosophical questions but also by his willingness to affirm some propositions as probable. Cicero claims that this renunciation of doctrine was more in keeping with Socrates's philosophizing. Along with philosophers Diogenes the Stoic and Critolaus the Peripatetic, Carneades was member of embassy from Athens to Rome in 155, where he aroused ire of Roman politicians against philosophy by delivering two speeches on consecutive days: in first he argued for justice; in second, injustice. *Rep.* 3.7, 3.19?; *Leg.* 1.39
- Cassius Longinus Ravilla, Lucius: Tribune 137; consul 127. As tribune he introduced secret ballot in trials in assembly,

- except for treason. Scipio intervened to remove obstacle to passage of his bill. *Leg.* 3.35–37
- Cassius Vecellinus, Spurius: Consul 502, 493, 486. Was tried and executed for allegedly aiming to make himself king (but some details are unclear). *Rep.* 2.49, 2.57, 2.60
- Castor: Along with Pollux, gods favorable to humans. They had temple in Forum because they supposedly intervened against Latins in battle of Lake Regillus in 484. *Leg.* 2.19:7, 2.27
- Cato: *See* Porcius
- Cecrops: Mythical king of Athens. *Leg.* 2.63
- Ceres: Roman goddess of growth. Identified with Greek Demeter. *Leg.* 2.21.12, 2.37
- Charondas (probably late sixth century): Lawgiver of his native Catana, Sicily, and other towns. *Leg.* 1.57, 2.14, 3.5
- Chrysippus: Became third head of Stoic school of philosophy in 232 and systematically articulated its doctrines in writing, including treatise *On Law* with which Cicero was familiar. *Rep.* 3.8
- Cicero: *See* Tullius
- Simon: Wealthy Athenian politician ostracized in 461 following failed Athenian mission to help Sparta deal with revolt of its helots. *Leg.* 3.26
- Claudius Crassus Inregillensis Sabinus, Appius: Consul 471. Leading member of first decemvirate (451–450). As member of second decemvirate (450–449) he attempted to rape Verginia; result was end of decemvirate. *Rep.* 2.63
- Claudius Marcellus, Gaius: Praetor 80. Author of treatise on augural law. *Leg.* 2.32
- Claudius Marcellus, Marcus (1): Consul 222, 215, 214, 210, 208. Captured Syracuse in 212 during Second Punic War. *Rep.* 1.1, 1.21, 5.8
- Claudius Marcellus, Marcus (2): Grandson of Marcus Claudius Marcellus (1). Pontifex 177; consul 166, 155, 152. Successful military leader during war in Hither Spain and recommended negotiated peace, but senate and Scipio resisted. *Rep.* 1.21
- Claudius Pulcher, Appius (1): Consul 143. Enemy of Scipio; served on agrarian commission of Tiberius Sempronius Gracchus (2), his son-in-law. *Rep.* 1.31
- Claudius Pulcher, Appius (2): Grandson of Appius Claudius Pulcher (1). Consul 54. Author of treatise on augural law dedicated to Cicero. *Leg.* 2.32
- Claudius Pulcher, Gaius (1): Consul 177; censor 169. He and Tiberius Sempronius Gracchus (1) were prosecuted for harsh treatment of knights and tax collectors, but Gracchus's reputation and his support for Claudius led to their acquittal. *Rep.* 6.8
- Claudius Pulcher, Gaius (2): Consul 92. Reported to senate a seditious public meeting led by tribune Gnaeus Papirius Carbo. *Leg.* 3.42
- Claudius Quadrigarius, Quintus (first century): Author of history of Rome from sack by Gaul in early fourth century to his own day. *Leg.* 1.6
- Cleisthenes: Athenian legislator who effected more democratic constitution in 508. *Rep.* 2.2; *Leg.* 2.41
- Cleitarchus: Author of history of Alexander the Great ca. 310. *Leg.* 1.7
- Cleon: Athenian demagogue who opposed Pericles at start of Peloponnesian War in 431. *Rep.* 4.20b
- Cleophon: Athenian demagogue who exerted great influence after democracy was restored in 410, and opposed making peace with Sparta. Later executed for treason. *Rep.* 4.20b
- Clinias (or Kleinias) (fourth century, if real): Participant from Crete in Plato's *Laws*. *Leg.* 1.15
- Clodius Pulcher, Publius: Tribune 58. In December 62 dressed as woman and profaned rites of Bona Dea, which were open only to women. Rites were being held at Caesar's home, and Clodius was having affair with Caesar's wife Pomponia. Cicero testified against him on charge of sacrilege. Became tribune after law was passed allowing him to be adopted into plebeian family (he changed his name from patrician Claudius to plebeian Clodius). He then used his power to have Cicero exiled. *Leg.* 2.36, 2.42, 3.21, 3.25
- Cocles: *See* Horatius
- Coelius Antipater, Lucius (fl. after 121): Wrote history of Second Punic War that was first Roman historical monograph. *Leg.* 1.6
- Coelius Caldus, Gaius: Tribune 107; consul 94. As tribune he introduced secret ballot in trials for treason. Later that year he successfully prosecuted legate Gaius Popillius Laenas for treason. *Leg.* 3.36
- Collatinus: *See* Tarquinius

- Cominius, Postumus: Consul 493. *Rep.* 2.57
- Cornelius Scipio, Publius (1): Father of Africanus. Consul 218. Along with brother Cornelius Scipio Calvus, he defeated Carthaginian general Hasdrubal in 216 south of Ebro River during Second Punic War. Killed while fighting in Spain. *Rep.* 1.1, 4.20b
- Cornelius Scipio, Publius (2): Son of Africanus; adoptive father of Scipio. *Rep.* 1.35–36, 2.1
- Cornelius Scipio Aemilianus Africanus (Numantinus), Publius (185/4–129): Participant in *Republic*. Natural son of Aemilius Paullus and adopted son of Publius Cornelius Scipio (2); hence adopted grandson of Africanus. Consul 147, 134; censor 142. Destroyed Carthage in 146 to end Third Punic War, and Numantia in 133. In politics he fought against his populist cousin Tiberius Sempronius Gracchus (2). Knew Polybius and Panaetius, but extent of his own intellectual ability is unknown. Cicero and others suspected that his death was homicide. Referred to in this book as Scipio. *Rep.* passim; *Leg.* 1.20, 1.27, 2.23, 3.12, 3.37–38
- Cornelius Scipio Africanus, Publius (236–183): Adoptive grandfather of Scipio. Consul 205, 194. Decisively defeated Hannibal at Zama in 202 during Second Punic War. Referred to in this book as Africanus. *Rep.* 1.1, 1.27, 6.13–33, uncertain frag. 1, uncertain frag. 2, uncertain frag. 3; *Leg.* 2.57
- Cornelius Scipio Calvus, Gnaeus: Brother of Publius Cornelius Scipio (1); uncle of Africanus. Consul 222. Victorious commander in Second Punic War. Killed while fighting in Spain. *Rep.* 1.1, 4.20b
- Cornelius Scipio Nasica Serapio, Publius: Great-grandson of Cornelius Scipio Calvus. Consul 138; highest pontifex. In 138 tribune Gaius Curiatius fought with him over grain dole and raising of troops for war in Iberian Peninsula. Leader of senate and of mob that killed populist tribune Tiberius Sempronius Gracchus (2) in 133, after Gracchus passed agrarian reform. To quell public outrage, senate sent him on embassy to Asia. *Rep.* 1.6; *Leg.* 3.20
- Cornelius Sisenna, Lucius: Praetor 78. Author of history of Cornelius Sulla's rule. *Leg.* 1.7
- Cornelius Sulla Felix, Lucius: Consul 88, 80; dictator 82–81. Military commander in Social War (91–87). When Marius was given command against Mithradates VI of Pontus, Sulla marched on Rome and made incomplete conquest. Invaded Italy in 84, defeated Marius's supporters, and became dictator. In that position he enacted proscriptions to kill his many enemies; he strengthened power of senate. Retired in 79. *Leg.* 2.56–57, 3.22
- Coruncanius, Tiberius: Consul 280; became (between 255 and 252) first plebeian to hold office of highest pontifex; dictator (for elections) 246. *Leg.* 2.52
- Cotta: *See* Aurelius
- Crassus: *See* Licinius
- Curiatius, Gaius: Tribune 138. Had consuls of that year, Iunius Brutus Callaicus and Cornelius Scipio Nasica, imprisoned over grain dole and raising of troops for war in Iberian Peninsula. *Leg.* 3.20
- Curius Dentatus, Manius: Consul 290, 284, 275, 274. Military leader who ended Third Samnite War in 290. Known for frugality. *Rep.* 3.5, 3.30a–b; *Leg.* 2.3
- Cybele: Greek and Roman goddess of fertility whose Roman rites began on Ides of March (March 15). *Leg.* 2.22.4, 2.40
- Cylon: Athenian nobleman and Olympic winner (640?). Tried unsuccessfully to seize power (632?). *Leg.* 2.28
- Cypselus of Corinth: Overthrew Bacchiadae and was tyrannical ruler of Corinth ca. 657–627. *Rep.* 2.34
- Cyrus the Great: Founder of Persian Empire and king ca. 557–530. Scipio's favorite book was allegedly Xenophon's *Cyropaedia*, or "Education of Cyrus" (although it was largely fictional). *Rep.* 1.43–44; *Leg.* 2.56
- Demaratus of Corinth: Recognized as father of Tarquinius Priscus. Member of Bacchiadae, exclusive aristocracy that ruled Corinth for almost one hundred years before fleeing ca. 657. *Rep.* 2.34
- Demetrius of Phaleron: Pupil of Peripatetic school who ruled Athens 317–307 as surrogate for King Cassander of Macedonia. (Athens had suffered defeats at Chaeronea in 338 and in Lamian War 323–322.) When Athenian democracy was restored in 307, he went into exile, eventually to Alexandria. Cicero admires him for combining philosophy and statesmanship. *Rep.* 2.2; *Leg.* 2.64, 2.66, 3.14

- Diogondas the Theban: Obscure lawgiver. *Leg.* 2.37
- Dicaearchus (fl. ca. 320–300): From Mes-sana. Author of philosophical commen-taries and political work, *Tripoliticus*, arguing for mixed constitution with aspects of monarchy, aristocracy, and democracy. *Leg.* 3.14
- Diogenes of Babylon (ca. 240–152): Head of Stoic school. Member of embassy from Athens to Rome (*see also* Carneades). *Leg.* 3.13
- Dionysius I: Tyrant of Syracuse 405–367. *Rep.* 1.28, 3.35
- Draco: Established first written Athenian code of law probably 621/o. *Rep.* 2.2
- Duilius, Gaius: Consul 260. Victorious com-mander in western Sicily during First Punic War. Celebrated Rome's first naval triumph. *Rep.* 1.1
- Egeria: Legendary nymph whose advice to Pompilius led to Rome's laws on religion. *Leg.* 1.4
- Empedocles (ca. 492–432): Philosopher who wrote poems *On Nature* and *Purifications*. Affirmed existence of four basic elements and doctrine of transmigration of souls, including into other animals. *Rep.* 3.11
- Ennius, Quintus (239–169): Generally regarded as most original poet of Rome through middle republic. Wrote epic *Annals* on Roman history (only fragments are extant), as well as many tragedies. *Rep.* 1.3, 1.25, 1.30, 1.49, 1.64, 3.5, 5.1, 6.14, uncertain frag. 1, uncertain frag. 2; *Leg.* 2.57, 2.68
- Epicurus (341–270): Philosopher who taught in morals that happiness consists in pleasure and that pleasure of soul (contemplation) is worth more than bodily pleasure; taught in physics that all existences consist of atoms. His house in Athens had garden that became headquarters of his philosophical school. *Leg.* 1.21, 3.1
- Epimenides of Crete (late seventh cen-tury?): Holy man. According to Plato (*Laws* 1.642d), he lived in sixth century. *Leg.* 2.28
- Eudoxus of Cnidus (ca. 390–ca. 340): Mathematician and astronomer who conceived theory of concentric celestial spheres. *Rep.* 1.22
- Fabius Maximus Verrucosus, Quintus: Consul 233, 228, 215, 214, 209; dictator 221 (probably), 217. Succeeded in Second Punic War by fighting Hannibal through attrition, tactic that earned him nickname Cunctator (Delayer). *Rep.* 1.1, 5.8
- Fabius Pictor, Quintus (third century): First Roman to write history of Rome, from founding, in Greek. Senator. *Leg.* 1.6
- Fabircius Luscinus, Gaius: Consul 282, 278. Won victories in war against Pyrrhus of Epirus, whose gifts he reportedly rejected. *Leg.* 2.58
- Fannius, Gaius: Participant in *Republic*. Consul 122. May have been same man as a historian of that name. *Rep.* 1.18; *Leg.* 1.6?
- Figulus: *See* Marcius
- Flaminius, Gaius: Tribune 232; consul 223, 217. As tribune he challenged senate's power over foreign affairs by having law passed distributing confiscated foreign land to needy Romans. *Leg.* 3.20
- Furius Camillus, Marcus: Consular tribune 401, 398, 394, 386, 384, 381; dictator 396, 390, 389, 368, 367. Conquered Veii in 396. Circumstances surrounding his sub-sequent exile are unclear. He was later recalled and made dictator, and fought successfully against Gauls. *Rep.* 1.6
- Furius Philus, Lucius: Participant in *Repub-lic*. Consul 136. Close friend of Scipio. *Rep.* 1.17, 1.19–21, 1.30, 1.34, 1.37, 3.5–18
- Gabinus, Aulus: Tribune 139. Introduced secret ballot in election of officials. Grandson of slave, according to tradi-tion. *Leg.* 3.35
- Galba: *See* Sulpicius
- Gallus: *See* Sulpicius
- Gellius, Gnaeus (late second century): Author of history of Rome from origins to at least 146. *Leg.* 1.6
- Gellius, Lucius: Consul 72. Later opposed Lucius Sergius Catilina's conspiracy in 63, and Iulius Caesar. *Leg.* 1.53
- Gracchus: *See* Sempronius
- Gratidius, Marcus: In or shortly before 115, proposed to introduce secret ballot in elections of Arpinum; measure eventu-ally passed. *Leg.* 3.36
- Helenus: Prophet in early Greek myth. *Leg.* 2.33
- Heraclides Ponticus (fourth century): Stud-ied with Plato and Aristotle (probably while latter was still at Academy). Tem-porary head of Academy during Plato's third visit to Sicily 361/o. *Leg.* 3.14

- Hercules: Greatest mythical hero, semi-divine and semihuman. Known for strength. Heracles in Greek. (Listings do not include instances of oath "by Hercules.") *Rep.* 2.24, 3.32, uncertain frag. 3; *Leg.* 2.19.7, 2.27
- Herodotus (fifth century): Came from Halicarnassus (Greek city in modern Turkey). Historian of Persian Wars, between Greece and Persia, first work of Western history. *Leg.* 1.5
- Hesiod (fl. ca. 700): Greek epic poet, author of *Theogony* and *Works and Days*. *Rep.* 2.20
- Homer: Epic poet, author of *Iliad* and *Odyssey*. Cicero dates him around 900; modern scholars, mid-700s. *Rep.* 1.56, 2.18-19, 4.19, 6.14; *Leg.* 1.2
- Horatius Barbatus, Marcus: Consul 449. Established a law that no magistrate should be immune to appeal, after upheaval from bad, second decemvirate of 450-449. *Rep.* 2.54
- Horatius Cocles (sixth-fifth century): Reputed to have defeated Etruscan king Lars Porsenna's invasion of Rome single-handedly by defending bridge over Tiber River and then having it destroyed. *Leg.* 2.10
- Hostilius, Tullus: Third king of Rome 672-641 (by tradition). *Rep.* 2.31, 2.33, 2.53
- Hostilius Mancinus, Gaius: Consul 137. Defeated by Numantia in battle and made disadvantageous treaty, which he and senate then renounced. Senate handed him over to Numantia as compensation, but Numantines returned him to Rome, where he resumed his citizenship and career. *Rep.* 3.14
- Hyperbolus: Athenian demagogue who led prowar forces after Cleon's death in 422. *Rep.* 4.20b
- Iacchus: Patron god of Eleusinian mysteries. *Leg.* 2.35
- Iulius, Gaius: Consul 430. *Rep.* 2.60
- Iulius, Proculus (eighth century, if real): Was supposedly told by departed Romulus on Quirinal Hill that he had become god Quirinus. *Rep.* 2.20; *Leg.* 1.3
- Iulius Iullus, Gaius: Consul 482; one of first decemvirs 451. *Rep.* 2.61
- Iunius, Marcus: See Iunius Congus
- Iunius Brutus, Lucius: Consul 509. Supposedly feigned idiocy to survive during Tarquinius Superbus's tyranny (*Brutus* means "stupid") and helped to overthrow it. One of first consuls. Died heroically in battle against Tarquins. *Rep.* 2.46
- Iunius Brutus Callaicus, Decimus: Consul 138. *Leg.* 2.54?, 3.20
- Iunius Congus (ca. 143-ca. 55): Jurist. Probably the same man as Marcus Iunius Gracchanus, author of lost treatise *On Powers*. *Leg.* 3.49?
- Juno: Queen of Roman gods. Identified with Greek Hera. *Leg.* 2.41
- Jupiter: King of Roman gods. Identified with Greek Zeus. *Rep.* 1.50, 1.56, 2.36, 3.17, 6.21; *Leg.* 1.2, 2.7, 2.10, 2.20.6, 2.28, 2.42, 3.43
- Laelius, Gaius (ca. 190-after 129): Participant in *Republic*. Consul 140. Involved with visit of Athenian philosophers, especially Diogenes the Stoic, to Rome in 155; also worked with the Stoic philosopher Panaetius of Rhodes. Scipio's closest friend and legate in Africa 147-146. As consul, proposed unsuccessful agrarian law. In 132 served on commission to punish followers of Tiberius Sempronius Gracchus (2), who continued to advocate his policies. Gave laudation at Scipio's funeral. Central figure of Cicero's *Laelius: On Friendship*. *Rep.* passim
- Laenas: See Popillius
- Larcus, Titus: Dictator and consul 501 or 498 or both years. *Rep.* 2.56
- Liber: Italian god of fertility and wine. Identified with Greek Dionysus. *Leg.* 2.19.7, 2.27
- Licinius Crassus, Lucius: Consul 95; censor 92. Considered by Cicero the greatest orator he knew. *Leg.* 3.42
- Licinius Crassus Dives Mucianus, Publius: Consul and highest pontifex 131. Sponsor of group supporting Tiberius Sempronius Gracchus (2), and opponent of Scipio. *Rep.* 1.31, 3.10
- Licinius Lucullus, Lucius: Consul 74. In 69 defeated Tigranes II at Tigranocerta (in Armenia) in war with him and Mithradates VI of Pontus. *Leg.* 3.30
- Licinius Macer, Gaius: Praetor 68. Author of history of early Rome that showed antiaristocratic attitude. Convicted of extortion in 66. *Leg.* 1.7
- Livius Andronicus, Lucius (ca. 275-200): Comic and tragic poet. Thought to be first to compose poems of Greek type in Latin. *Leg.* 2.39
- Livius Drusus, Marcus: Tribune 91. Proposed number of unpopular measures, including distribution of land, Roman citizenship for all Italians, and

- reorganization of courts, which were passed contrary to auspices. His murder, and subsequent annulment of his legislation (led by Marcius Philippus, consul and augur 91), provoked secession of Italians and beginning of Social War. *Leg.* 2.14, 2.31
- Lucretia: Wife of Tarquinius Collatinus. Her suicide, after she had been raped by Tarquinius Superbus's son Sextus, led to overthrow of monarchy and establishment of republic in 509. *Rep.* 2.46; *Leg.* 2.10
- Lucretius Tricipitinus, Spurius: Father of Lucretia. Said by ancient historians to have presided over election of first consuls, and said to have served as replacement consul in 509. *Rep.* 2.46, 2.55; *Leg.* 2.10
- Lucullus: *See* Licinius
- Lycurgus: Legendary king of Sparta who established its constitution. *Rep.* 2.2, 2.15, 2.18, 2.24, 2.42–43, 2.50, 2.58, 3.9, 4.18; *Leg.* 1.57
- Macer: *See* Licinius
- Maelius, Spurius (d. 439): Executed for allegedly plotting tyranny. *Rep.* 2.49
- Magnus: *See* Pompeius
- Mancinus: *See* Hostilius
- Manilius, Manius: Oldest participant in *Republic*. Consul 149. Began final attack on Carthage but returned to Rome in 148 (Scipio served as military tribune under him during that time). Distinguished orator and jurist. *Rep.* 1.18, 1.20, 1.30, 1.34, 2.28–29, 3.10, 6.13
- Manlius Capitolinus, Marcus: Consul 392 (possibly). Was executed, perhaps for aiming at tyranny, perhaps for working to alleviate plebeian debt. *Rep.* 2.49
- Marcellus: *See* Claudius
- Marcus, Ancus: Fourth king of Rome 640–617 (by tradition). *Rep.* 2.5, 2.33, 2.35, 2.38
- Marcus Figulus, Gaius: Consul 64 (probably). *Leg.* 2.62
- Marcus Philippus, Lucius: Consul 91. Led annulment of Marcus Livius Drusus's legislation, which provoked secession of Italians and beginning of Social War. *Leg.* 2.31
- Marius, Gaius (ca. 157–86): Consul 107, 104, 103, 102, 101, 100, 86. Like Cicero, a *novus homo* (literally “new man,” term for first in a family to hold high office). Like Cicero, from Arpinum, about sixty miles southeast of Rome. His attempt to seize command against Mithradates VI of Pontus in 88 led to civil war with military commander and future dictator Cornelius Sulla, who had previously been given command. Captured Rome but died soon after. *Rep.* 1.6; *Leg.* 1.1–4, 2.6, 2.56, 3.38
- Mars: Roman god of war. Identified with Greek Ares. *Rep.* 2.4, 6.21
- Masinissa: King of Numidia. At first he fought against Rome. But eventually recognizing Rome's strength, he commanded Numidian cavalry under Roman army led by Africanus at crucial battle of Zama in 202. In return, Africanus had Roman senate recognize Masinissa as king, and he restored, and even added to, Masinissa's territory. *Rep.* 6.13–14
- Maximus: *See* Fabius
- Megillus: Mythical participant from Sparta in Plato's *Laus*. *Leg.* 1.15
- Melampus: Seer in early Greek myth. *Leg.* 2.33
- Menelaus: Legendary king of Sparta and hero of Trojan War, which began with abduction of his wife Helen. *Rep.* uncertain frag. 10a
- Mercury: Mythical messenger of Roman gods. Identified with Greek Hermes. *Rep.* 6.21; *Leg.* 2.65
- Metellus: *See* Caecilius
- Miltiades: Athenian general given credit for victory at Marathon in 490. Severely wounded in failed attempt to conquer Paros. Nevertheless, he was brought to trial and fined; but he died of his wounds before he could pay. *Rep.* 1.5
- Minerva: Roman goddess of wisdom. Daughter of Jupiter. Identified with Greek Athena. *Leg.* 2.42
- Minos: Legendary king and lawgiver of Crete from three generations before Trojan War. *Rep.* 2.2
- Mopsus: Seer in early Greek myth. *Leg.* 2.33
- Mucius Scaevola, Publius: Father of Mucius Scaevola the Pontifex. Consul 133; highest pontifex. Distinguished lawyer, enemy of Scipio, and leading supporter of Tiberius Sempronius Gracchus (2). *Rep.* 1.20, 1.31; *Leg.* 2.47–48, 2.50–52, 2.57
- Mucius Scaevola, Quintus (1) (the Augur): Participant in *Republic*. Consul 117. Distinguished, Stoic lawyer, called “the Augur” to distinguish him from Mucius Scaevola the Pontifex. Moderate supporter of Gracchi. Character in Cicero's *On the Orator*. *Rep.* 1.18, 1.33; *Leg.* 1.13

- Mucius Scaevola, Quintus (2) (the Pontifex): Consul 95; highest pontifex from 89. Perhaps the leading lawyer of later republic. Outstanding orator. *Leg.* 2.47–53
- Mucius Scaevola, Quintus (3) (first century): Grandson of Mucius Scaevola the Augur. Poet. Friend of Cicero. *Leg.* 1.2?
- Mummius, Spurius: Participant in *Republic*. Stoic orator. Accompanied Scipio and Panaetius on eastern embassy 140–139. *Rep.* 1.18, 1.34, 3.36, 5.6
- Naevius, Gnaeus (ca. 270–200): Roman epic poet and dramatist whose poem on First Punic War was first Latin historical epic. *Rep.* 4.20b; *Leg.* 2.39
- Nasica: *See* Cornelius
- Navius, Attus (sixth century, if real): Augur, famous for having foretold that what Tarquinius Priscus was thinking would come true, and for then having fulfilled promise by cutting whetstone with knife. *Rep.* 2.36; *Leg.* 2.33
- Neoptolemus: Mythical son of Achilles and Deidamia. Hero of Trojan War. *Rep.* 1.30
- Numa: *See* Pompilius
- Octavius, Marcus: Tribune 133. After he vetoed grain bill of Tiberius Sempronius Gracchus (2), Gracchus had him removed from office in move of dubious legality. *Leg.* 3.24
- Opimius, Lucius: Consul 121. Later head of commission that divided Numidia between King Jugurtha and his brother; convicted of impropriety and sent into exile. *Rep.* 1.6
- Orithyia: Daughter of Erechtheus, mythical king of Athens. Carried off by North Wind. *Leg.* 1.3
- Pacuvius, Marcus (ca. 220–130): Tragic poet. Ennius's nephew and pupil. *Rep.* 1.30, 3.9
- Panaetius of Rhodes: Became leader of Stoics in 129. Less doctrinaire than previous Stoics. Dedicated a number of books to Tuberus. Joined Scipio on his eastern embassy 140–139. *Rep.* 1.15, 1.34; *Leg.* 3.14
- Papirius, Lucius: Censor 430. *Rep.* 2.60
- Papirius, Publius: Consul 430. *Rep.* 2.60
- Papirius Carbo, Gaius: Tribune 131 or 130; consul 120. As tribune he introduced secret ballot in legislative assemblies. Then began to support nobles and successfully defended Lucius Opimius in court in 120 for Gaius Sempronius Gracchus's murder. In 119 Lucius Licinius Crassus prosecuted him, and he committed suicide. Some people thought he had been involved in Scipio's murder. *Leg.* 3.35
- Papirius Carbo, Gnaeus: Tribune 92; consul 85, 84, 82. As tribune he led seditious public meeting. *Leg.* 3.42
- Papirius Cursor, Lucius: Dictator 325, 310 (perhaps also later); consul 326, 320, 319, 315, 313. Roman general and hero of Second Samnite War. He abused a youth in debt bondage to him; as result senate abolished system. *Rep.* 2.59
- Paullus: *See* Aemilius
- Pericles: Leader of Athenian democracy from mid-400s until his death from plague in 429 during Peloponnesian War. *Rep.* 1.25, 4.20b
- Phaedrus (ca. 140–70): Epicurean philosopher whose lectures Cicero attended in Rome as boy and later in Athens. *Leg.* 1.53
- Phalaris (sixth century): Tyrant of Agrigento, Sicily. Infamous for having his enemies roasted to death in hollow bronze bull. *Rep.* 1.44
- Phidias (fl. ca. 465–425): Athenian who sculpted statue of Athena for Parthenon and of Zeus at Olympia, among many other works. *Rep.* 3.35
- Philip II: Father of Alexander the Great. King of Macedon 359–336. Captured Greece but was assassinated before he could attack Persian Empire. *Rep.* 3.9, 4.21
- Philippus: *See* Marcius
- Philolaus (ca. 470–390): Probably wrote the first book by a Pythagorean philosopher. *Rep.* 1.16
- Philus: *See* Furius
- Pinarius, Publius: Censor 430. *Rep.* 2.60
- Pisistratus: Intermittent tyrant of Athens ca. 560–527. *Rep.* 1.68
- Piso: *See* Calpurnius
- Pittacus of Mytilene (ca. 650–570): Law-giver. One of the seven wise men. *Rep.* 1.12; *Leg.* 2.66
- Plato (ca. 429–347): Pupil of Socrates. Founding head of Academy. Teacher of Aristotle. His writings consist entirely of dialogues and a few letters. Cicero's respect for him is evident throughout his philosophical works, and Plato's *Republic* and *Laws* were to some extent models for Cicero's dialogues of same names. *Rep.* 1.16, 1.22, 1.29, 1.65–68, 2.3, 2.21–22,

- 2.51–52, 4.2a, 4.18–19; *Leg.* 1.15, 1.55, 2.6, 2.14, 2.16–17, 2.38–39, 2.41, 2.45, 2.67–69, 3.1, 3.5, 3.14, 3.32
- Plautus (exact name uncertain) (fl. ca. 205–184): Roman author of 130 plays, according to tradition, of which about 20 are extant. *Rep.* 4.20b
- Polemon: Head of Academy 314/3–270/69. *Leg.* 1.38
- Pollux: Italic pronunciation of Greek Polydeuces. For details see Castor. *Leg.* 2.19.7, 2.27
- Polybius (ca. 200–ca. 118): Historian born in Greece. Taken to Rome as hostage after Rome's victory at Pydna in 168. Friend of Scipio. His *Histories* gives account of Rome from First Punic War to his day. His analysis of Rome's mixed constitution therein (bk. 6) is important and was known to Cicero. *Rep.* 1.34, 2.27, 4.1
- Polyeidus: Seer in early Greek myth. *Leg.* 2.33
- Pompeius, Quintus: Consul 141. Like Cicero, a *novus homo* (literally "new man," term for first in a family to hold high office). Attached to Scipio. It was said that he became consul against Scipio's will. Defeated by Numantia in battle and negotiated disadvantageous treaty in 140, which he and senate then renounced. Later acquitted of charge of illegally acquiring wealth abroad. Served as legate in Spain under Furius Philus in 136. Opponent of Tiberius Sempronius Gracchus (2). *Rep.* 3.14
- Pompeius Magnus, Gnaeus (Pompey) (106–48): Consul 70, 55, 52. Dominated Roman politics for over twenty years. He restored to tribunes legislative powers that Cornelius Sulla had taken from them. Military conquests of pirates and Mithradates VI of Pontus (60s), spreading Roman rule eastward. Formed pact (first triumvirate 60; renewed 56) with Iulius Caesar and Marcus Licinius Crassus. Later fought Caesar, lost at Pharsalus, fled to Egypt, and was assassinated. Cicero supported him against Caesar, but with limited confidence. *Leg.* 1.8, 2.6, 3.22, 3.26
- Pompilius, Numa: Legendary second king of Rome 715–673. *Rep.* 2.25–29, 2.31, 2.33, 3.36, 5.3; *Leg.* 1.4, 2.23, 2.29, 2.56
- Pomponius Atticus, Titus (110–32): Participant in *Laws*. Cicero's literary adviser and perhaps closest friend. Wealthy Epicurean who had house on Quirinal Hill but lived much of his life in Athens. Eschewed politics. Many of Cicero's letters to him survive. *Leg.* passim
- Popillius Laenas, Gaius: Legate who made treaty with Tigurini, after Romans lost battle to them, in order to save his men. Successfully prosecuted for treason by Coelius Caldus in 107. *Leg.* 3.36
- Popillius Laenas, Publius: Consul 132. Antipopulist, exiled in 123, as a result of efforts of Gaius Sempronius Gracchus, for having instituted special courts to try and convict followers of Tiberius Sempronius Gracchus (2) without possibility of appeal to the people; he was later recalled. *Rep.* 1.6; *Leg.* 3.26
- Porcius Cato, Marcus (1) (234–149): Known as Cato the Censor or Cato the Elder because of his also famous great-grandson. Consul 195; elected censor 184. Rigid Stoic, greatest orator of his era, and author of history of Rome called *Origins*, as well as treatise on agriculture. Led military campaign to stop insurrection in Spain. Like Cicero, a *novus homo* (literally "new man," term for first in a family to hold high office). Like Cicero, had villa at Tusculum, in hills fifteen to twenty miles southeast of Rome. Cicero's dialogue *Cato the Elder: On Old Age* depicts a less stern Cato. *Rep.* 1.1, 1.27, 2.1–3, 2.37, 3.30b, 4.20b; *Leg.* 1.6, 2.5
- Porcius Cato, Marcus (2): Known as Cato the Younger. Great-grandson of Cato the Censor. Used filibuster most famously against Iulius Caesar in 59. Praetor 54. Stoic, committed suicide after Caesar's victory in battle of Thapsus in 46. *Leg.* 3.40
- Postumius Tubertus, Publius: Consul 505, 503. Fought Sabines. May have been mythical. *Leg.* 2.58
- Potitus: See Valerius
- Publicola: See Valerius Poplicola, Publius
- Pyrrhus: King of Epirus most of 307/6–272. *Rep.* 3.30a
- Pythagoras (fl. ca. 500): Greek philosopher and mathematician who had great influence in southern Italy in Cicero's day. *Rep.* 1.16, 2.28–29, 3.11; *Leg.* 1.33, 2.26
- Quinctius Cincinnatus, Lucius: Consul 460; dictator 458, 439. Left his plow to assume his first dictatorship, defeated Aequi, resigned office, and returned to farming. Exemplar of Roman austerity and integrity. *Rep.* uncertain frag. 6

- Quintus: *See* Tullius
 Quirinus: *See* Romulus
- Remus: Legendary brother of Romulus. *Rep.* 2.4; *Leg.* 1.8
- Romulus: Legendary founder and first king of Rome 753–715. Deified as Quirinus. *Rep.* 1.25, 1.58, 1.64, 2.4–5, 2.10–23, 2.25–26, 2.50–52, 2.frag. 7, 3.32, 3.36, 6.28; *Leg.* 1.3, 1.8, 2.19.7, 2.27, 2.33
- Roscus Gallus, Quintus (fl. first century): Most famous Roman actor. *Leg.* 1.11
- Rufus: *See* Rutilius
- Rutilius Rufus, Publius: Participant in *Republic*. Consul 105. Military tribune under Scipio at Numantia 134–133. As consul, introduced military reforms. Convicted of extortion against Asia in 92 and went into exile in province of Smyrna. Student of Stoic philosopher Panaetius. *Rep.* 1.13, 1.17
- Sabazius: Phrygian god widely worshipped in Asia Minor. *Leg.* 2.37
- Sardanapallus: King of Nineveh or Assyria. His name may have been variation of Assurbanipal, who ruled 668–625. *Rep.* 3.frag. 6a
- Saturn: Roman god of sowing or seed. Identified with Greek Chronos. *Rep.* 6.21
- Saturninus: *See* Appuleius
- Scaevola: *See* Mucius
- Scaurus: *See* Aemilius
- Scipio: *See* Cornelius
- Sempronius Asellio: Military tribune under Scipio at Numantia 134–133. Author of history of his own time. *Leg.* 1.6
- Sempronius Gracchus, Gaius: Younger brother of Tiberius Sempronius Gracchus (2). Tribune 123–122. Member of brother's agrarian commission. Mainly populist reformer, but less democratic than brother. Died in armed insurrection in 121. *Rep.* 1.31; *Leg.* 3.20, 3.24, 3.26
- Sempronius Gracchus, Tiberius (1): Father of Tiberius (2) and Gaius Sempronius Gracchus by Africanus's daughter Cornelia. Consul 177, 163; censor 169. He and Gaius Claudius Pulcher (1) were prosecuted for harsh treatment of knights and tax collectors, but his reputation and his support for Claudius led to their acquittal. *Rep.* 6.8
- Sempronius Gracchus, Tiberius (2): Tribune 133. His proposal to redistribute public land aroused violent opposition, and he was killed while campaigning for second term by mob led by highest pontifex Cornelius Scipio Nasica Serapio. *Rep.* 1.31, 3.34, 6.15; *Leg.* 3.20, 3.24
- Servilius Ahala, Gaius: Forced into exile (according to tradition) after killing Spurius Maelius in 439 with dagger hidden under his armpit. *Rep.* 1.6
- Sestius, Lucius (fifth century): Was tried for murder in case in which Iulius Iullus showed integrity. *Rep.* 2.61
- Sextus: *See* Aelius
- Simonides (fl. late sixth–early fifth century): Greek poet. *Rep.* 2.20
- Sisenna: *See* Cornelius
- Socrates (469–399): Became most famous philosopher, despite having written nothing, because of dialogues of his student Plato, in almost all of which he is principal character. Resisted tyranny of the Thirty in Athens at end of its defeat by Sparta in Peloponnesian War. Accused of various crimes, including impiety and corruption of youth, found guilty in trial, and executed. His skeptical approach to philosophizing involved asking questions of interlocutors in order to arrive at understanding of term under discussion, such as “justice” or “piety.” *Rep.* 1.15, 1.16, 2.3, 2.22, 2.51, 3.5; *Leg.* 1.33, 1.56, 2.6
- Solon: Established Athenian democracy probably 594/3 by creating classes based on property and abolishing servitude for debt. *Rep.* 1.12, 2.2, 2.59; *Leg.* 1.57, 2.59, 2.64
- Speusippus: Succeeded Plato as head of Academy 347–339. *Leg.* 1.38
- Stesichorus (fl. ca. 600–550): Greek lyric poet. *Rep.* 2.20
- Sulla: *See* Cornelius
- Sulpicius Galba, Servius: Consul 144. Renowned orator and augur. In 151 commanded victory against Lusitani, who surrendered to him but were then massacred in large numbers. Bill to try him in special court failed. Scipio successfully opposed his attempt to gain another Spanish command. *Rep.* 3.34
- Sulpicius Gallus, Gaius: Consul 166. Astronomer. *Rep.* 1.21–23, 1.30
- Sulpicius Rufus, Publius: Tribune 88. Born a noble but used his oratorical influence with masses to try to achieve his political ends by force. Sulla opposed him by marching on Rome; he fled but was captured and killed. *Leg.* 3.20

- Sulpicius Rufus, Servius: Consul 51.
A leading lawyer of Roman Republic.
Student of philosophy. Speaking as a
character in his dialogue *Brutus* (secs.
151–55), Cicero praises him for his skill
at dialectic, his literary knowledge, and
his elegance in speaking. *Leg.* 1.17
Superbus: *See* Tarquinius
- Tarpeius, Spurius: Consul 454. *Rep.* 2.60
Tarquinius, Sextus: Elder son of Tarquinius
Superbus. His rape of Lucretia, wife of
Tarquinius Collatinus, precipitated over-
throw of monarchy and establishment of
republic in 509. *Rep.* 2.46; *Leg.* 2.10
Tarquinius Collatinus, Lucius: Consul 509.
One of first consuls. Forced to abdicate
because he was related to Tarquinius
Superbus. *Rep.* 1.62, 2.46, 2.53
Tarquinius Priscus, Lucius: Fifth king of
Rome 616–579 (by tradition). Etruscan
name was Lucumo. *Rep.* 2.34–38, 2.44;
Leg. 1.4
Tarquinius Superbus, Lucius: Seventh and
final king of Rome 534–510 (by tradi-
tion). *Rep.* 1.58, 1.62, 1.64, 2.28, 2.44–47,
2.51–52; *Leg.* 2.10, 3.15
Tatius, Titus (eighth century): King of Sa-
bines who captured Rome's Capitol after
rape of Sabine women. Later coruler of
Roman-Sabine polity with Romulus.
Assassinated (some sources suggest that
Romulus was responsible). *Rep.*
2.13–14
Terence (Publius Terentius Afer) (fl. 160s):
Roman playwright. *Leg.* 1.33
Thales of Miletus (seventh–sixth century):
Pre-Socratic philosopher, philosopher of
nature as opposed to politics and morals.
One of the seven wise men. *Rep.* 1.12,
1.22, 1.25; *Leg.* 2.26
Themistocles: Athenian statesman and gen-
eral, won naval victory at Salamis in 480.
Ostracized (late 470s) for his handling of
affairs with Persia, became Persian gov-
ernor of Magnesia on Maeander River.
Rep. 1.5; *Leg.* 3.26
Theophrastus (372/1 or 371/0–288/7 or
287/6): Aristotle's student and succe-
ssor as head of Peripatetic school. Cicero
knew his works on political philosophy,
now lost. *Leg.* 1.38, 2.15, 3.13–14
Theopompus (1): King of Sparta (720?–
675?). May have created ephorate. *Rep.*
2.58; *Leg.* 3.16
Theopompus (2) (378/7–after 320): Greek
historian who wrote work following on
Thucydides's and history centered on
reign of Philip II of Macedon. *Leg.* 1.5
Theseus: Legendary king of Athens.
Rep. 2.2
Timaeus of Locri: Pythagorean philosopher
(if real), chief speaker in Plato's *Timaeus*,
about whom nothing else definite is
known. *Rep.* 1.16
Timaeus of Tauromenium (ca. 350–260):
Author of first major history in Greek of
Italy and Sicily. *Rep.* 3.35; *Leg.* 2.15
Timotheus (ca. 450–360): Lyric poet from
Miletus who increased number of strings
on lyre from seven to eleven. *Leg.* 2.39
Titius, Sextus: Tribune 99. His work was
accompanied by violence. His law
concerned agrarian matters and was
passed contrary to auspices. *Leg.* 2.14,
2.31
Tricipitinus: *See* Lucretius
Tubero: *See* Aelius
Tubertus: *See* Postumius
Tullius, Servius: Sixth king of Rome
578–535 (by tradition). *Rep.* 1.58, 2.37–40,
2.45, 3.36
Tullius Cicero, Marcus (1): Grandfather of
the famous Cicero. *Leg.* 2.3, 3.36
Tullius Cicero, Marcus (2) (d. 64): Father
of the famous Cicero and Quintus. Intel-
ligent, wealthy knight from Arpinum
who saw that his sons had excellent
education in philosophy and rhetoric.
Leg. 2.3
Tullius Cicero, Marcus (3) (106–43): Phi-
losopher, politician, and lawyer. Author
of *Republic* and *Laws*, among many other
works.
Tullius Cicero, Quintus (ca. 102–43): Par-
ticipant in *Laws*. Cicero's brother. Praetor
62. Legate with Iulius Caesar in Gaul.
Wrote poems, tragedies, and allegedly
handbook on electioneering (although
many scholars are doubtful). Married to
Atticus's sister Pomponia 69–44. At
Marcus Antonius's insistence both he
and brother were proscribed and killed.
Leg. *passim*
Tullus: *See* Hostilius
Ulysses (variation of Ulixes): King of
Ithaca. Identified with Greek Odysseus,
hero of Homer's *Odyssey*. *Leg.* 1.2, 2.3
Valerius Flaccus, Lucius: Consul 100. As in-
terim ruler in 82 he secured law naming
Sulla dictator with power to take lives
with impunity. *Leg.* 1.42

- Valerius Poplicola, Publius: Thought to have been consul 509, 508, 507, 504. May have been first to have bundle of rods lowered at assembly of people. *Rep.* 2.53, 2.55; *Leg.* 2.58
- Valerius Poplicola Potitus, Lucius: Consul 449. Established a law that no magistrate should be immune to appeal, after upheaval from bad, second decemvirate of 450–449. *Rep.* 2.54
- Vennonius: Early Roman historian about whom nothing else is known. *Leg.* 1.6
- Venus: Roman goddess of love. Identified with Greek Aphrodite. *Rep.* 6.21
- Verginia: Maiden killed by her father to prevent decemvir Claudius Crassus from raping her. Her death precipitated end of decemvirate in 449. *Rep.* 2.63
- Verginius, Decimus (or Aulus or Lucius): Roman soldier whose daughter Verginia, according to tradition, was object of sexual advances of decemvir Claudius Crassus. To prevent Claudius from having his way, Verginius murdered her, and decemvirate ended in 449. *Rep.* 2.63
- Vesta: Roman goddess of hearth. Vestal Virgins maintained sacred fire within her temple in Roman Forum. Identified with Greek Hestia. *Rep.* 2.26, 3.10; *Leg.* 2.20.3, 2.29
- Xenocrates: Pupil of Plato and third head of Academy 339–314. *Rep.* 1.3; *Leg.* 1.38, 1.55
- Xenophanes of Colophon (sixth–fifth century): Greek poet and philosopher. *Rep.* 6.7
- Xenophon (ca. 430–ca. 354): Philosopher, historian, and Athenian soldier. Student of Socrates. Wrote *Memorabilia of Socrates*, *Anabasis* (an account of his expedition with Cyrus the Younger), and Greek history following Thucydides's. *Leg.* 2.56
- Xerxes: King of Persia 486–465. Led unsuccessful expedition against Greece that was defeated at Salamis in 480 and Plataea in 479. *Rep.* 3.9; *Leg.* 2.26
- Zaleucus (fl. perhaps ca. 650): Lawgiver of Locri Epizephyrii in southern Italy. Probably first lawgiver in Greece. *Leg.* 1.57, 2.14–15
- Zeno of Citium (335–263): Founder of Stoic school of philosophy, which eventually taught that virtue is sufficient for happiness, reason should guide human conduct, universe is subject to laws, and purpose is inherent in natural phenomena. *Leg.* 1.38, 1.53–55
- Zethus: Mythical son of Zeus and Antiope. Founder of Thebes along with brother Amphion. *Rep.* 1.30

Index of Terms

This index features only occurrences of English terms that translate forms of the corresponding Latin terms (e.g., occurrences of “agreement” that do not translate the Latin *consensus*, but rather another Latin word, are excluded). Listings of some terms include instances of related English or Latin forms (e.g., the listing for “advantage” includes instances of “advantageous”; the listing for *ira* under “anger” includes instances of *iracundia*). Listings of some terms include instances of the negative of that term formed by adding a prefix (e.g., *impiety*, *unholy*, *inconvenient*); but the terms “dishonor,” “injustice,” “unequal,” and “unfair” have separate listings. References include book and section numbers separated by a period (and where appropriate in the *Laws*, subsection number separated by another period). The number of times a term appears in a section of the translation is indicated in parentheses.

- advantage, usefulness, *utilitas*: *Rep.* 1.8, 1.33 (2x), 1.39, 1.49, 1.56, 2.10, 2.16, 2.37, 2.39, 2.51, 3.7, 3.10, 3.21, 4.1, 5.4; *Leg.* 1.33, 1.41, 1.42 (3x), 2.16 (2x), 2.26, 2.32, 3.2, 3.40, frag. 1
- affection, *caritas*: *Rep.* 1.55, 2.14, 6.8; *Leg.* 1.43, 1.60, 2.5
- afraid: *See* fear
- agreement, *consensus*: *Rep.* 1.39, 1.44, 1.52, 1.56 (2x), 2.69, 3.35 (2x); *Leg.* 1.47
- ancestors, *maiores*: *Rep.* 1.34, 1.35, 1.70, 1.71 (2x), 2.4, 2.30, 2.53, 2.59, 2.63, 3.5 (2x), 5.1, 6.10; *Leg.* 2.3, 2.23, 2.27, 2.33, 2.37, 2.40 (2x), 2.55 (2x), 2.62 (2x), 3.12, 3.15, 3.24, 3.41, 3.44, 3.46
- anger, *ira*: *Rep.* 1.59 (4x), 1.60 (3x), 1.67, 3.21, 3.22; *Leg.* 1.21, 2.21.3, 2.22.8
- appeal, *provocatio*: *Rep.* 1.62, 1.63, 2.53, 2.54 (5x), 2.55, 2.61 (2x), 2.62, 3.35; *Leg.* 3.6.2, 3.6.4, 3.27
- aristocrats, *optimates*: *Rep.* 1.42, 1.43, 1.45, 1.48, 1.50, 1.52, 1.55 (3x), 1.65 (2x), 1.68, 1.69, 2.23, 2.frag. 5, 3.17, 3.36 (2x), 6.11; *Leg.* 2.30, 3.10.6, 3.17, 3.33, 3.34, 3.38. *See* also best man, respectable man
- arrangement: *See* constitution
- art, *ars*: *Rep.* 1.2 (2x), 1.16, 1.20, 1.28, 1.30, 1.33, 1.35, 1.37, 1.50, 1.62, 2.29, 2.34 (2x), 2.37, 3.4, 3.5 (2x), 4.22, 5.4; *Leg.* 1.26, 1.62, 2.4, 2.33, 2.47 (2x)
- assemblage, *coetus*: *Rep.* 1.39 (3x), 1.41 (2x), 3.35, 4.1, 6.17, 6.20
- assembly: *See* also appeal
- comitia*: *Rep.* 1.50, 2.25, 2.31, 2.53, 2.56, 2.60, 2.61; *Leg.* 2.31, 3.9.3, 3.11.10, 3.27, 3.44 (2x), 3.45
- concilium*: *Rep.* 1.28, 6.17; *Leg.* 2.31, 3.42
- contio*: *Rep.* 1.7, 2.20, 2.53; *Leg.* 2.62
- augur, foretell, *augur*: *Rep.* 2.16, 2.26, 2.36, 2.54, 4.28; *Leg.* 2.20.6, 2.21.1, 2.21.5, 2.31 (4x), 2.32, 2.33 (2x), 3.11.7, 3.43 (2x)
- auspices, *auspicium*: *Rep.* 2.5, 2.16 (3x), 2.17, 2.26, 2.51; *Leg.* 2.20.6, 2.21.2, 2.32, 2.33, 3.9.3, 3.10.1, 3.11.7, 3.27 (3x), 3.43 (2x)
- authority, influence, *auctoritas*: *Rep.* 1.3, 1.12 (2x), 1.13, 1.16, 1.17, 1.25, 1.31, 1.56, 1.69, 2.14, 2.15, 2.25, 2.28, 2.34, 2.36, 2.46, 2.55, 2.56 (3x), 2.57, 2.59 (2x), 2.61, 3.12, 4.20b; *Leg.* 1.17, 1.36, 2.15, 2.18, 2.26, 2.30, 2.31

authority (*continued*)

(2x), 2.48, 2.52 (2x), 2.68, 3.25, 3.27, 3.28, 3.34, 3.37, 3.38, 3.39 (2x)

avarice, *avaritia*: *Rep.* 1.60, 2.63, 3.frag. 5; *Leg.* 1.51, 3.46

balance, tempering, compromise, *temperatio*: *Rep.* 1.66, 1.69, 2.42, 2.65, 6.21, 6.22; *Leg.* 2.16, 2.21.4, 3.12, 3.17, 3.24, 3.27, 3.28. *See also* temperance

ballot, *tabella*: *Leg.* 3.11, 3.34 (3x), 3.35, 3.36 (2x), 3.37, 3.38 (2x), 3.39 (2x)

benevolence, *benignitas*: *Rep.* 2.35; *Leg.* 1.32, 1.48 (2x), 1.49. *See also* goodwill

best man, excellent man, *optimus*: *Rep.* 1.3, 1.50, 1.51 (6x), 1.53, 1.54, 2.15, 3.3, 3.13 (2x), 3.14, 3.21, 6.13; *Leg.* 1.21, 3.37, 3.39. *See also* aristocrats, respectable man

body, *corpus*: *Rep.* 1.5, 1.68, 2.4, 2.7, 3.1, 3.21, 3.22 (3x), 3.32, 6.18, 6.19 (2x), 6.20, 6.30 (3x), 6.33 (4x); *Leg.* 1.26, 1.27, 1.39, 1.51, 1.60, 2.22.2 (2x), 2.24 (4x), 2.38 (2x), 2.43, 2.45, 2.56, 2.57 (2x), 2.67, frag. 4
burial, *sepultura*: *Rep.* 2.38, 4.16, 4.17; *Leg.* 2.42, 2.56 (3x), 2.57, 2.58 (4x), 2.60 (2x), 2.65. *See also* grave

celestial: *See* heaven(s)

censor, *censor*: *Rep.* 2.60, 4.6, 4.9, 4.20b, 4.22, 6.15; *Leg.* 3.7.3, 3.11.10, 3.11.13, 3.11.14, 3.27, 3.28, 3.29, 3.47 (3x)

chance: *See also* fortune

casus: *Rep.* 2.22, 5.1

fors: *Rep.* 2.30; *Leg.* 1.25, 2.28

character: *See* custom, talent

chief: *See* leading

circle: *See* cycle

citizen, *civis*: *Rep.* 1.3, 1.4, 1.5 (2x), 1.7, 1.25, 1.28 (2x), 1.42, 1.43, 1.45, 1.47, 1.49 (3x), 1.52 (2x), 1.54, 1.67 (2x), 2.7, 2.15, 2.25, 2.26, 2.34, 2.35, 2.38, 2.43, 2.46 (2x), 2.48, 2.53, 2.59 (2x), 2.61, 2.69, 3.3, 3.13, 3.22 (2x), 3.34, 4.1, 4.13, 4.18, 4.20b, 4.22, 5.2, 5.3, 6.2, 6.3, 6.4, uncertain frag. 1; *Leg.* 1.42, 1.61, 1.62, 2.11, 2.15 (2x), 2.16, 2.39, 2.41, 2.42, 2.66, 3.5, 3.6.1, 3.6.2, 3.9.2, 3.11.6, 3.11.10, 3.19, 3.20, 3.26 (2x), 3.35, 3.39, 3.42, 3.44, 3.45. *See also* city (*civitas*)

citizenship: *See* city (*civitas*)

city, citizenship, political community, *civitas*: *Rep.* 1.1, 1.2 (2x), 1.3, 1.5, 1.11, 1.12, 1.13, 1.25, 1.33 (2x), 1.34, 1.41 (2x), 1.42 (2x), 1.43, 1.44, 1.45 (4x), 1.47 (2x), 1.49 (2x), 1.51 (2x), 1.53, 1.58, 1.68, 1.70, 1.71, 2.2 (2x), 2.8 (2x), 2.12, 2.13, 2.15, 2.21, 2.22, 2.23, 2.33, 2.34 (3x), 2.35, 2.40 (2x),

2.42, 2.43 (2x), 2.46 (2x), 2.48, 2.51 (4x), 2.52 (2x), 2.57, 2.58, 2.59, 2.62, 2.65 (2x), 2.66 (2x), 2.69 (2x), 3.3 (2x), 3.4 (3x), 3.13, 3.14, 3.17, 3.24, 3.33 (3x), 3.35, 4.7, 4.20b, 5.1, 6.2, 6.16 (2x), 6.17, uncertain frag. 13; *Leg.* 1.14 (2x), 1.17, 1.19, 1.20, 1.23 (3x), 2.5 (4x), 2.9, 2.11, 2.12 (2x), 2.14, 2.26, 2.30, 2.37, 2.38, 2.39, 2.66, 3.3, 3.4, 3.5, 3.12, 3.14, 3.15 (2x), 3.24, 3.26 (2x), 3.28, 3.30, 3.31 (2x), 3.32 (4x), 3.42. *See also* citizen, city (*urbs*)

city, *urbs*: *Rep.* 1.1, 1.3 (2x), 1.21, 1.41, 1.58 (2x), 1.71, 2.4 (3x), 2.5 (5x), 2.7 (2x), 2.9 (2x), 2.10 (4x), 2.11, 2.12, 2.16, 2.22, 2.33 (2x), 2.34 (2x), 2.36, 2.39, 2.44, 2.66, 3.9, 3.10, 3.35 (4x), 4.19, 5.3, 6.15; *Leg.* 1.61, 2.19.5, 2.20.3, 2.21.4, 2.26 (2x), 2.29, 2.33, 2.42, 2.45, 2.58 (3x), 3.7.1, 3.7.3, 3.9.4, 3.18, 3.19 (2x), 3.26. *See also* city (*civitas*)

comedy, *comoedia*: *Rep.* 4.20a; *Leg.* 2.36, 2.37
command (or official command), empire, general, *imperium*: *Rep.* 1.3 (2x), 1.27, 1.28, 1.47 (2x), 1.50, 1.51, 1.52, 1.60 (3x), 1.63 (2x), 1.67, 1.68, 2.5, 2.10, 2.15, 2.23, 2.25, 2.31, 2.33, 2.35, 2.38, 2.50, 2.55, 2.56 (3x), 2.58, 2.61, 2.63, 3.13, 3.14, 3.18 (5x), 3.21 (3x), 3.22 (9x), 3.27, 3.29, 3.34, 4.12, 5.1, 5.2, 6.5, 6.20; *Leg.* 1.23, 1.42, 2.8, 2.10, 2.31, 3.3, 3.4, 3.5 (5x), 3.6.1, 3.6.4 (2x), 3.6.5 (2x), 3.8.2, 3.9.4, 3.15

commodity: *See* trade

compromise: *See* balance

conception, intelligence, *intellegentia*: *Leg.* 1.26, 1.27, 1.30, 1.44, 1.59

concord, *concordia*: *Rep.* 1.49 (2x), 2.27, 2.54, 2.69 (2x); *Leg.* 3.28

constitution, arrangement, *constitutio*: *Rep.* 1.41, 1.69 (2x), 1.70, 2.37, 2.frag. 7; *Leg.* 2.23. *See also* balance

consul, *consul*: *Rep.* 1.7, 1.10 (2x), 1.14, 1.21, 1.23 (2x), 1.27, 1.62, 2.54, 2.55, 2.56 (3x), 2.57, 2.58, 2.60 (3x), 2.61, 3.14, 6.13, 6.15 (2x); *Leg.* 2.31 (2x), 2.37, 3.8.2, 3.9.2, 3.9.3 (2x), 3.10.8 (2x), 3.16 (4x), 3.18, 3.20, 3.23 (2x), 3.29, 3.36, 3.37, 3.42

contemplate, observe, *contemplari*: *Rep.* 2.69, 6.20, 6.24, 6.33; *Leg.* 2.4. *See also* protect

convenience, interest, *commodum*: *Rep.* 1.8, 1.14, 1.52, 2.9, 2.26, 3.3, 3.7, 4.1; *Leg.* 1.20, 1.25, 1.41, 1.49, 1.55 (2x), 3.18, 3.30

conversation, speaking, *sermo*: *Rep.* 1.16, 1.17 (2x), 1.19 (2x), 1.33, 1.38 (2x), 1.68, 1.frag. 2, 2.7, 2.33, 2.37, 2.51 (2x), 3.2, 3.18, 3.20, 6.14 (2x), 6.24, 6.27, 6.29 (2x); *Leg.* 1.13, 1.17, 1.20, 1.28, 1.34, 1.37, 1.56, 1.57,

1.63, 2.1, 2.7, 2.8, 2.9, 2.18 (2x), 2.41, 2.46, 2.69, 3.26. *See also* speech
 corruption, *corruptela*: *Rep.* 2.7, 3.9; *Leg.* 1.33 (2x), 1.47, 2.38, 3.32 (3x), 3.39
 council: *See* deliberation
 counsel: *See* deliberation
 courage, *fortitudo*: *Rep.* 1.2, 1.4, 1.9, 2.34, 2.56, 2.59, 3.frag. 3 (2x), 5.7; *Leg.* 1.62, 2.10, 2.27
 course, *cursus*: *Rep.* 1.3, 1.10, 1.22, 1.45, 1.64, 2.30, 5.2, 6.21 (2x), 6.22 (3x); *Leg.* 1.24
 court of law, judgment, judicial decision, judicial power, trial, *iudicium*: *Rep.* 1.47, 1.48, 1.69, 2.1, 2.54, 3.12, 4.9, 4.20c (2x), 5.3; *Leg.* 1.14, 1.33, 1.36, 1.40, 1.50 (2x), 2.6, 2.15, 2.42, 2.43 (2x), 2.44, 2.52, 3.1, 3.10.1, 3.10.6, 3.27 (2x), 3.34, 3.35, 3.36, 3.46, 3.47 (2x), 3.49. *See also* judge, justice (*ius*), justice (*iustitia*)
 cowardice: *See* fear
 crime:
 facinus: *Rep.* 3.13, 6.5; *Leg.* 1.40 (3x)
 sclerus: *Rep.* 2.45, 3.9, 3.11 (2x), 3.13 (2x), 3.frag. 1; *Leg.* 1.40, 2.16, 2.28, 2.41, 2.42 (3x), 2.43, 3.21
 custom, character, habit, manner, morals, *mos*: *Rep.* 1.2, 1.3, 1.16 (3x), 1.58, 1.68, 2.7 (2x), 2.8, 2.21, 2.36, 2.45, 2.48, 2.50, 2.56, 2.64, 2.67, 3.5, 3.8, 3.10, 3.34, 3.36, 5.1 (7x), 5.3; *Leg.* 1.10, 1.20, 1.26, 1.27, 1.36, 2.3, 2.9, 2.18, 2.23 (2x), 2.38, 2.40 (3x), 2.57, 2.61, 2.63, 2.67, 3.7-3, 3.31, 3.32 (2x). *See also* habit
 customary way: *See* habit
 cycle, circle, orb, *orbs*: *Rep.* 1.25, 1.45, 2.45, 6.19, 6.21 (2x), 6.22
 death, die, dissolution, perish: *See also*
 funeral
 exitium: *Leg.* 2.22.6, 2.44
 funus: *Rep.* 2.frag. 4; *Leg.* 2.59, 2.64
 interitus: *Rep.* 1.68, 2.14, 2.20, 2.38, 3.33, 5.1, 6.29; *Leg.* 1.31
 letum: *Leg.* 2.22.15
 mors: *Rep.* 1.4, 1.16, 1.31 (2x), 2.20, 2.29, 2.31, 2.33, 2.35, 2.36, 2.46, 2.60, 3.16, 3.33 (3x), 5.7, 6.18 (2x), 6.31; *Leg.* 1.31, 1.53, 1.60, 2.5, 2.13, 2.36, 2.43, 2.44, 2.48 (4x), 2.49, 2.55, 2.57, 2.58, 2.59, 2.60 (4x), 2.63 (2x), 2.65, 2.67 (2x), 2.68 (2x), frag. 4
 nex: *Rep.* 2.62, 3.17; *Leg.* 2.55
 obitus: *Rep.* 1.64, 2.52; *Leg.* 1.61
 pestis: *Rep.* 1.6; *Leg.* 3.25
 decemvirs, *decemviri*: *Rep.* 2.54, 2.61 (3x), 2.62 (2x), 2.63, 3.35 (2x); *Leg.* 2.64
 decency: *See* shame
 defect: *See* vice

deliberation, council, counsel, judgment, plan, *consilium*: *Rep.* 1.3 (2x), 1.6, 1.8, 1.25, 1.41 (2x), 1.43 (2x), 1.47, 1.51 (2x), 1.52, 1.55 (2x), 1.60 (5x), 1.65, 1.71, 1.frag. 1, 2.12, 2.14 (2x), 2.15, 2.21, 2.30, 2.35, 2.50, 2.51, 2.57, 2.59 (3x), 3.4, 3.8, 3.14 (2x), 6.15, 6.16; *Leg.* 1.22, 2.30, 2.31, 2.33, 2.37, 3.28 (2x), 3.44
 desire:
 appetere: *Rep.* 1.2, 1.27, 2.48; *Leg.* 2.52
 cupere: *Rep.* 1.9, 1.50, 1.52, 1.60, 2.7, 2.8, 2.26, 2.36, 2.50, 2.67, 3.20, 3.frag. 5, 4.1, 4.23, 6.27; *Leg.* 1.4, 1.16, 1.32, 1.39, 2.43, 2.62, 3.30 (2x), 3.31, 3.46
 desiderare: *Rep.* 2.52, 2.64, 3.8, 6.12; *Leg.* 1.10, 1.57, 3.34, 3.47
 expetere: *Rep.* 1.27, 1.28, 1.43, 3.3, 6.24; *Leg.* 1.31, 1.37, 1.48 (3x), 1.49, 1.52, 2.28, 3.26
 optare: *Rep.* 2.52, 3.33; *Leg.* 1.5
 dictator, *dictator*: *Rep.* 1.63, 2.56 (2x), 6.16, uncertain frag. 6; *Leg.* 1.42
 die: *See* death
 director, *moderator*: *Rep.* 5.2, 6.21; *Leg.* 2.15.
 See also moderation
 discipline: *See* training
 discovery, invention:
 inventum: *Rep.* 1.13, 1.16, 1.21, 1.22 (2x), 1.28, 1.30, 2.26, 2.27, 2.31, 2.51, 3.2, 3.4, 3.5, 3.7, 3.9, 3.38; *Leg.* 1.16, 1.20, 2.11
 reperire: *Rep.* 3.8; *Leg.* 1.26
 disgrace, *turpitudō*: *Rep.* 1.2, 1.4, 3.9; *Leg.* 1.31, 1.40, 1.41, 1.44 (2x), 1.45, 1.46 (2x), 1.51 (3x), 1.52, 1.55, 3.18 (3x), 3.48
 dishonor, *dedecus*: *Rep.* 1.51, 3.3; *Leg.* 1.55, 1.60, 2.22.6, 2.42. *See also* glory, honor
 dissolution: *See* death
 divination, *divinatio*: *Rep.* 2.10; *Leg.* 2.32 (3x). *See also* divine, god
 divine (adj.), *divinus*: *Rep.* 1.28, 1.45, 1.64, 2.4, 2.10, 3.1, 3.5, 3.8, 3.29, 6.12, 6.19, 6.22; *Leg.* 1.22, 1.23, 1.24, 1.59, 1.61, 2.10 (3x), 2.11, 2.16, 2.22.6, 2.22.10 (2x), 2.26, 2.27, 2.36, 2.43, 2.44, 2.45, 3.1, frag. 4. *See also* divination, god
 domination, rule, *dominatio*: *Rep.* 1.48, 1.50 (2x), 1.60, 1.67, 2.15, 2.34, 2.48, 3.18; *Leg.* 2.2. *See also* mastery
 duty, *officium*: *Rep.* 1.4, 1.33, 2.37, 2.57, 2.69 (2x), 3.27; *Leg.* 1.48
 eagerness: *See* study
 educated: *See also* instruction, learning, teach
 doctus: *Rep.* 1.11 (2x), 1.12, 1.18, 1.21, 1.28, 1.38, 1.56, 2.2, 2.19, 2.34, 3.11, 6.22; *Leg.* 1.18, 1.28, 1.41, 1.52, 2.14, 2.26, 2.39, 2.54, 3.13, 3.14 (3x)

educated (*continued*)

institutus: *Rep.* 1.36

education: *See* instruction, learning

empire: *See* command

enthusiasm: *See* study

equal: *See also* fair, unequal, unfair

aequus: *Rep.* 1.43, 1.47 (2x), 1.49 (2x), 1.53 (2x), 1.69, 2.43; *Leg.* 1.33, 1.38, 1.49, 2.6, 2.9, 2.25, 3.24

par: *Rep.* 1.7, 1.49 (3x), 1.53, 6.8 (2x); *Leg.* 1.29, 1.30, 1.34 (2x), 1.35, 1.55, 3.6.2, 3.8.1, 3.9.2, 3.10.3, 3.11.4, 3.11.12, 3.19, 3.46

eternal, *aeternus*: *Rep.* 1.26, 3.2, 3.33, 6.21, 6.27, 6.29, 6.30, 6.31, 6.32 (2x); *Leg.* 1.61, 2.8, 2.11. *See also* everlasting

everlasting, *sempiternus*: *Rep.* 1.28, 3.9, 3.27 (2x), 6.17, 6.19, 6.21, 6.30; *Leg.* 1.2, 1.62, 2.10, 2.20.3. *See also* eternal

excellent man: *See* best man

experience, *usus*: *Rep.* 1.13, 1.36, 1.37, 2.1, 2.2, 3.5; *Leg.* 1.14

fable, *fabula*: *Rep.* 1.56, 2.4, 2.18, 2.19; *Leg.* 1.5, 1.40

faction, *factio*: *Rep.* 1.44, 1.45, 1.68 (2x), 1.69, 3.17, 3.35

fair, *aequus*: *Rep.* 1.2, 1.34, 1.42, 1.53, 1.55, 2.61, 3.9 (2x), 3.13, 5.3; *Leg.* 1.19, 1.48. *See also* equal, unfair

faithful: *See* trust

farsighted: *See* foresight

fat, *fatum*: *Rep.* 6.16 (2x)

fatherland, *patria*: *Rep.* 1.beginning frag. 1, 1.4, 1.5, 1.8, 1.19, 1.64 (2x), 2.34, 6.16, 6.17, 6.20, 6.30, 6.33; *Leg.* 1.5, 1.43, 2.3, 2.5 (8x), 2.6, 2.42, 2.43, 3.25

Fathers, senators, *patres*: *Rep.* 1.48, 1.49, 1.65, 2.14 (2x), 2.20, 2.23, 2.25, 2.35 (2x), 2.38, 2.50, 2.56; *Leg.* 3.9.3, 3.10.8 (3x), 3.10.9, 3.19, 3.24, 3.40. *See also* patricians, senate

fault: *See* vice

fear, afraid, cowardice:

metus: *Rep.* 1.23, 1.25, 1.32, 1.63, 1.67 (2x), 2.45 (2x), 3.3 (2x), 3.12, 4.23, 6.18 (2x); *Leg.* 1.40 (2x), 1.41, 1.43, 1.50, 1.51, 2.16, 2.25, 2.37, 2.43

timor: *Rep.* 1.24, 1.25, 1.29, 1.68, 2.4, 2.50, 2.frag. 2, 3.1, 3.3, 3.12 (2x), 3.17, 6.14; *Leg.* 1.32, 1.41, 1.51, 1.60, 2.39, 2.41, 2.43, 2.57

fellowship, *societas*: *Rep.* 1.42, 1.49 (4x), 2.48, 3.35, 4.1; *Leg.* 1.16, 1.23, 1.27, 1.28, 1.35, 1.39, 1.42, 1.49, 1.60, 1.62, 2.16. *See also* unite

fidelity: *See* trust

foresight, farsighted, provide: *See also* prudence

prospicere: *Rep.* 1.45, 1.71, 2.22

providere: *Rep.* 1.71, 2.2, 2.5 (2x), 2.12, 4.1, 6.1, 6.30; *Leg.* 1.22, 1.60, 2.20.2, 2.21.3, 2.39, 3.44

foretell: *See* augur

fortune, *fortuna*: *Rep.* 1.7, 1.27, 1.28, 2.30, 2.44, 2.50, 3.13; *Leg.* 2.28 (5x), 2.41. *See also* chance

freedom, *libertas*: *Rep.* 1.1 (2x), 1.5, 1.9, 1.25, 1.28 (2x), 1.30, 1.43, 1.47 (5x), 1.48 (3x), 1.49 (2x), 1.51, 1.53, 1.55 (2x), 1.62, 1.66 (3x), 1.67 (5x), 1.68 (5x), 1.69, 2.34, 2.38, 2.43, 2.46, 2.48, 2.50 (3x), 2.55 (2x), 2.56, 2.57 (2x), 2.59, 3.17, 3.35, 3.36, 4.2a, 6.19; *Leg.* 1.10, 1.36 (2x), 2.21.4, 2.26, 2.29, 2.37, 2.53 (2x), 3.4, 3.10.6, 3.11.14, 3.25 (3x), 3.33, 3.34, 3.38 (2x), 3.39 (3x). *See also* liberality

friendship, *amicitia*: *Rep.* 1.18; *Leg.* 1.34, 1.49 (3x)

funeral: *See also* death

exsequiae: *Leg.* 2.42

funus: *Rep.* 6.9; *Leg.* 2.59 (2x), 2.60 (3x), 2.61 (2x), 2.64, 2.66 (2x), 2.67, 2.68

general: *See* command

glory: *See also* dishonor, honor

decus: *Rep.* 1.64, 6.30

gloria: *Rep.* 1.7, 1.12, 1.18, 1.21, 1.26, 1.27, 1.38, 1.60, 2.5, 2.17, 2.31, 2.36, 3.35, 5.2, 6.24 (2x), 6.26, 6.27, 6.29, uncertain frag. 13; *Leg.* 1.32 (2x), 3.9.4, 3.21, 3.32

god, *deus*: *Rep.* 1.12, 1.18, 1.19, 1.26, 1.56 (3x), 1.64 (3x), 2.17, 2.18, 2.20, 2.29, 2.48, 3.3, 3.5, 3.9 (4x), 3.21, 3.27, 6.17, 6.19 (2x), 6.21 (2x), 6.30 (4x), 6.33, uncertain frag. 9; *Leg.* 1.3, 1.21 (2x), 1.22, 1.23 (6x), 1.24 (3x), 1.25 (3x), 1.27, 1.28, 1.32, 1.35, 1.40, 1.43 (2x), 1.58 (2x), 1.59, 1.60, 1.61 (2x), 2. passim, 3.3, 3.27, frag. 3. *See also* divination, divine, heaven(s)

good, *bonus*: *Rep.* 1.3, 1.9, 1.27, 1.29, 1.32 (2x), 1.33, 1.34, 1.35, 1.42, 1.46, 1.50 (3x), 1.51, 1.52, 1.55, 1.56, 1.59, 1.60 (2x), 1.61, 1.62, 1.64, 1.65 (2x), 1.68, 1.70 (2x), 1.71, 2.1, 2.4, 2.15, 2.30 (2x), 2.33, 2.36, 2.37, 2.40, 2.45, 2.47 (3x), 2.51, 2.52, 2.65 (2x), 2.66 (2x), 2.69, 2.frag. 5, 3.3 (3x), 3.5 (2x), 3.7, 3.9, 3.11 (3x), 3.12 (4x), 3.13 (4x), 3.15 (2x), 3.17 (2x), 3.22, 3.24, 3.29, 3.35 (2x), 3.36 (2x), 3.frag. 2, 4.12, 4.20b, 5.2, 5.5, 5.12, 6.19, 6.27, 6.33 (2x); *Leg.* 1.7, 1.13, 1.15 (2x), 1.16, 1.20, 1.21, 1.23, 1.31, 1.32, 1.37 (3x), 1.40, 1.41 (3x), 1.43, 1.44 (3x),

- 1.46 (3x), 1.47 (2x), 1.48 (3x), 1.49, 1.50 (2x), 1.52 (2x), 1.54 (2x), 1.55 (4x), 1.56, 1.57, 1.58, 1.59, 1.60, 1.62, 2.7, 2.12 (2x), 2.13, 2.15 (2x), 2.20.6, 2.22.3, 2.23 (3x), 2.26 (2x), 2.27, 2.28 (3x), 2.32, 2.35, 2.36 (2x), 2.40 (3x), 2.41, 2.43, 2.47, 2.48, 2.68, 3.1, 3.4, 3.5, 3.13, 3.18, 3.22, 3.23 (2x), 3.25, 3.26, 3.30, 3.33 (2x), 3.34 (4x), 3.37 (2x), 3.39, 3.42 (2x), 3.43 (2x), 3.45, 3.47, frag. 4. *See also* best man, respectable man
- goodwill, *benevolentia*: *Rep.* 1.64, 2.38; *Leg.* 1.34, 1.35. *See also* benevolence
- governance, helm, *gubernatio*: *Rep.* 1.2, 1.11 (2x), 1.45, 1.51, 1.52, 1.62, 2.15, 2.51, 3.36, 5.2, 5.4; *Leg.* 3.28
- grave, *sepulcrum*: *Leg.* 2.4, 2.47, 2.55 (2x), 2.56, 2.57, 2.58 (3x), 2.61 (4x), 2.62 (3x), 2.64 (3x), 2.66 (2x), 2.67 (2x), 2.68 (2x). *See also* burial
- guide, *rector*: *Rep.* 2.51, 3.3, 5.4, 6.1, 6.17
- habit, customary way, *consuetudo*: *Rep.* 1.frag. 2, 2.25, 2.26, 2.35, 2.37, 3.7, 3.10, 3.34, 4.20a; *Leg.* 1.29, 1.33, 2.9, 2.66, 3.41. *See also* custom
- happy, *beatus*: *Rep.* 1.28, 1.32 (2x), 1.48, 1.52, 3.3, 3.5, 3.36, 4.1, 5.2, 6.17; *Leg.* 1.32, 1.46, 1.59, 1.60, 2.11 (2x)
- harmony:
concentus: *Rep.* 2.69 (3x), 6.22; *Leg.* 1.21
harmonia: *Rep.* 1.16, 2.69
- haughtiness, *superbia*: *Rep.* 1.48, 1.51, 1.58, 1.62, 2.28 (2x), 2.39, 2.46; *Leg.* 1.32, 3.17
- health: *See* safety
- heaven(s), heavenly beings, celestial, *caelum*: *Rep.* 1.15, 1.19, 1.20, 1.22 (3x), 1.25, 1.30 (2x), 1.31, 1.56, 3.2, 3.32, 6.13 (2x), 6.17, 6.20 (2x), 6.21 (2x), 6.22, 6.24, 6.25, 6.28, 6.30, 6.31, uncertain frag. 2 (2x); *Leg.* 1.22, 1.23, 1.24 (2x), 1.26, 1.61, 2.9 (2x), 2.16, 2.19.7 (3x), 2.21.4, 2.55, 3.5, 3.43. *See also* god
- heavenly beings: *See* heaven(s)
- helm: *See* governance
- history, *historia*: *Rep.* 2.33; *Leg.* 1.5 (4x), 1.7, 1.9
- holiday, *feriae*: *Rep.* 1.14 (3x), 1.20, 1.33, 6.12; *Leg.* 2.19.9 (2x), 2.29, 2.47, 2.50, 2.55 (2x), 2.57 (2x)
- holy, *fas*: *Rep.* 3.9 (2x), 3.13, 3.27, uncertain frag. 2; *Leg.* 2.16, 2.21.5, 2.36, 2.55, 2.63. *See also* piety
- honor: *See also* dishonor, glory, honorable
decus: *Rep.* 3.3, 3.31, 6.29; *Leg.* 1.55, 1.62
honor: *Rep.* 1.7, 1.10, 1.53, 1.64, 1.67, 2.34, 2.59, 3.13, 3.18, 3.28, 4.22; *Leg.* 1.32, 1.52, 2.22.2, 2.28, 2.58 (2x), 2.62, 3.7.2, 3.19, 3.32, 3.46
ornare: *Rep.* 3.5; *Leg.* 1.5
- honorable, *honestus*: *Rep.* 1.2 (2x), 2.12, 3.9, 4.1, 5.2; *Leg.* 1.10, 1.16, 1.32, 1.37, 1.41, 1.44 (2x), 1.45 (2x), 1.46 (2x), 1.48, 1.54, 1.55, 2.11, 3.39. *See also* honor
- humaneness, humanity, *humanitas*: *Rep.* 1.28, 2.27, 2.35, 2.48; *Leg.* 2.36, 3.1
- humanity: *See* humaneness
- human race, *genus hominum*: *Rep.* 1.1, 1.3, 2.48, 3.18, 6.21 (2x); *Leg.* 1.24, 1.31, 1.32, 2.8, 2.15, 2.27, 2.32, 3.3
- image:
imago: *Rep.* 2.52, 2.66 (2x), 6.14
simulacrum: *Leg.* 1.59
- immortality, *immortalitas*: *Rep.* 2.20, 2.29, 3.9, 3.34, uncertain frag. 9; *Leg.* 1.21, 1.28, 1.58, 1.61, 2.3, 2.7, 2.16, 2.27, 2.41, 2.68, 3.21, 3.27
- influence: *See* authority
- injury: *See* injustice
- injustice, injury, unjust, wrong, *iniuria*, *iniustitia*: *Rep.* 1.4, 1.7, 1.9, 1.64, 1.65, 1.68, 2.31, 2.38, 2.44, 2.46 (3x), 2.48, 2.49, 2.50, 2.51, 2.63, 2.70, 3.3, 3.8, 3.10, 3.12, 3.14, 3.17 (2x), 3.23, 3.25, 3.35, 3.36 (2x); *Leg.* 1.19, 1.40 (3x), 1.42, 1.44 (2x), 1.49, 2.11, 2.13, 2.21.5, 3.22, 3.27, 3.44. *See also* justice (*ius*), justice (*iustitia*)
- institutions, *instituta*: *Rep.* 1.71, 2.2, 2.7, 2.8, 2.44, 3.3, 3.4, 3.5 (2x), 3.9, 3.10, 3.34, 4.1 (2x), 5.1; *Leg.* 1.15, 1.42 (2x), 3.43
- instruction, precept: *See also* educated, learning, training
erudire: *Rep.* 1.36
instituere: *Rep.* 1.52, 2.25, 2.69, uncertain frag. 13; *Leg.* 2.29, 3.14
mandare: *Leg.* 3.18
praecipere: *Rep.* 1.36, 1.70, 3.4, 3.18; *Leg.* 1.58, 1.61, 1.62, 2.13
- intellect: *See* talent
- intelligence: *See* conception
- interest: *See* convenience
- interim ruler, *interrex*: *Rep.* 2.23, 2.31, 2.52; *Leg.* 1.42
- invention: *See* discovery
- judge (n.), *iudex*: *Rep.* 1.47, 1.59; *Leg.* 1.41, 1.43, 2.16, 2.21.7, 2.25, 3.8.2, 3.29. *See also* court of law, justice (*ius*), justice (*iustitia*)
- judgment: *See* court of law, deliberation
- judicial decision: *See* court of law
- judicial power: *See* court of law
- just: *See* justice (*ius*)

justice, just, law, legal, right, court, oath,
ius: See also court of law, injustice, judge,
 justice (*iustitia*), law
 (a) justice: *Rep.* 1.43, 1.49 (3x), 2.38 (2x),
 2.48, 3.8, 3.9, 3.11 (2x), 5.3, 5.4
 (b) just: *Rep.* 1.9, 1.43 (2x), 1.50, 1.58, 1.61,
 1.64 (2x), 1.65, 2.31, 2.43, 3.3, 3.8, 3.9
 (2x), 3.11 (3x), 3.14, 3.16 (4x), 3.25 (2x),
 5.4, 6.13; *Leg.* 1.40, 1.41, 1.42 (2x), 2.4,
 2.6, 2.11, 2.13, 2.22.4, 2.30, 2.41, 2.48,
 3.4, 3.6.1, 3.9.4 (2x)
 (c) law: *Rep.* 1.2 (3x), 1.3, 1.18, 1.53, 2.31,
 3.10 (2x), 3.13, 3.18, 4.16, 5.3 (3x), 5.4
 (2x), 6.33; *Leg.* 1.12, 1.13 (3x), 1.14 (6x),
 1.17 (6x), 1.18 (3x), 1.28, 1.34, 2.5, 2.8,
 2.22.10, 2.34, 2.42, 2.45, 2.46 (4x), 2.47
 (3x), 2.48, 2.52 (5x), 2.53 (2x), 2.55, 2.57
 (3x), 2.58 (2x), 2.62 (2x), 2.63, 3.6.5,
 3.8.1, 3.13, 3.16, 3.28, 3.48 (3x), 3.49 (3x)
 (d) legal: *Leg.* 1.12, 2.29
 (e) right: *Rep.* 1.27, 1.39, 1.48, 1.49, 1.60,
 1.67, 2.40, 2.43, 2.56, 2.57 (2x), 3.10,
 3.11 (3x), 3.34 (2x), 3.35 (2x), 4.14, 6.17;
Leg. 1.16, 1.17, 1.19 (3x), 1.20 (2x), 1.23,
 1.28 (2x), 1.33 (6x), 1.34 (2x), 1.35 (2x),
 1.36, 1.40, 1.42, 1.43 (6x), 1.44 (2x),
 1.48 (4x), 1.56, 2.2, 2.22.14, 2.31 (4x),
 2.34, 2.55 (2x), 2.58 (2x), 2.61, 3.3, 3.6.4,
 3.8.1, 3.8.2, 3.9.2 (3x), 3.10.7, 3.10.8
 (2x), 3.16, 3.17, 3.20, 3.24, 3.40, 3.42
 (f) court: *Leg.* 2.9
 (g) oath: *Rep.* 1.7 (2x); *Leg.* 2.16
 justice, *iustitia*: *Rep.* 1.2, 1.43, 1.61, 1.64, 2.26,
 2.43, 2.61, 2.69, 2.70 (2x), 3.7 (3x), 3.8, 3.11
 (2x), 3.12 (2x), 3.13, 3.16, 3.17, 3.18 (2x),
 6.20, uncertain frag. 7; *Leg.* 1.18, 1.28, 1.42
 (2x), 1.48 (2x), 1.49 (3x). See also court of
 law, injustice, judge, justice (*ius*)

king, kingdom, reign, regal, royal, *rex*:
Rep. 1.25, 1.26, 1.28, 1.42 (3x), 1.43 (2x),
 1.44, 1.45, 1.47, 1.48 (2x), 1.49, 1.50
 (5x), 1.52, 1.54 (2x), 1.55 (2x), 1.56 (5x),
 1.58 (6x), 1.60 (2x), 1.62, 1.63, 1.64 (5x),
 1.65 (5x), 1.66, 1.68, 1.69 (4x), 2.4 (3x),
 2.5, 2.11, 2.12, 2.13 (3x), 2.14 (2x), 2.15,
 2.17, 2.22, 2.23 (6x), 2.24 (2x), 2.25 (3x),
 2.27, 2.28 (3x), 2.29, 2.31 (4x), 2.33 (5x),
 2.35 (3x), 2.36, 2.37 (4x), 2.38 (3x), 2.43
 (7x), 2.45 (2x), 2.46, 2.47 (2x), 2.48, 2.49
 (3x), 2.50 (3x), 2.51, 2.52 (4x), 2.53, 2.54,
 2.55, 2.56 (2x), 2.57, 2.58 (2x), 2.60,
 2. frag. 5, 3.9, 3.17, 3.18 (2x), 3.22 (2x),
 3.29, 3.36 (9x), 5.3 (6x), 6.13 (3x), 6.14;
Leg. 2.10, 2.33, 2.56, 3.4 (4x), 3.8.2, 3.15
 (5x), 3.16, 3.25
 kingdom: See king

knowledge:

cognitio: *Leg.* 1.61, 2.48
ratio: *Rep.* 1.25, 1.37, 3.5; *Leg.* 1.32, 3.14
scientia: *Rep.* 1.2, 1.11 (2x), 1.22, 1.32, 5.4; *Leg.*
 1.17, 1.18, 1.26, 1.62, 2.33, 2.52 (2x), 3.41

law, legal, *lex*: *Rep.* 1.2, 1.3 (2x), 1.8, 1.27,
 1.38 (as rule), 1.48, 1.49 (2x), 1.52 (2x),
 1.67, 2.2, 2.18, 2.25, 2.26, 2.33, 2.35, 2.38,
 2.43, 2.53 (2x), 2.54 (4x), 2.55, 2.60, 2.61
 (3x), 2.63 (2x), 2.64, 3.3 (2x), 3.4, 3.9, 3.10
 (3x), 3.11 (3x), 3.27 (6x), 3.35, 4.1 (2x),
 4.11, 4.20c (2x), 5.3, 5.4, 6.19; *Leg.* 1.5 (as
 rule), 1.15 (2x), 1.16, 1.17 (2x), 1.18 (3x),
 1.19 (7x), 1.20, 1.23 (3x), 1.33 (2x), 1.35,
 1.42 (9x), 1.44 (3x), 1.50, 1.55, 1.56 (3x),
 1.57 (2x), 1.58, 1.62, 2.2, 2.8 (5x), 2.9 (3x),
 2.10 (5x), 2.11 (8x), 2.12 (2x), 2.13 (7x),
 2.14 (9x), 2.16, 2.17, 2.18 (4x), 2.23 (5x),
 2.24 (2x), 2.26, 2.27, 2.29, 2.31 (3x), 2.34
 (2x), 2.35 (2x), 2.36 (2x), 2.37, 2.38, 2.39
 (2x), 2.40, 2.41, 2.46, 2.47, 2.52, 2.58 (5x),
 2.59 (2x), 2.60 (5x), 2.61 (2x), 2.62, 2.63,
 2.64 (3x), 2.66, 2.69, 3.1 (2x), 3.2 (4x), 3.3
 (2x), 3.4 (2x), 3.5 (2x), 3.8.2, 3.9.1, 3.11.9,
 3.11.13, 3.11.14, 3.11, 3.12, 3.13, 3.17, 3.19
 (2x), 3.22, 3.27, 3.28 (2x), 3.29 (2x), 3.30,
 3.32, 3.33 (2x), 3.34, 3.35 (2x), 3.36, 3.37
 (2x), 3.38 (5x), 3.39 (2x), 3.40, 3.41, 3.42
 (2x), 3.43 (2x), 3.44 (6x), 3.45 (3x), 3.46
 (5x), 3.47, 3.48 (3x). See also justice (*ius*)

types of law (frequency within section is
 not specified):

- (a) civil law: *Rep.* 1.2, 5.4; *Leg.* 1.13, 1.14,
 1.17, 1.18, 1.28, 1.34, 1.56, 2.46, 2.47,
 2.52, 2.53, 3.8.1
- (b) law of nations: *Rep.* 1.2
- (c) law (or right or justice) of nature (and
 related words such as [1] correct reason,
 [2] divine, [3] heaven, [4] highest, [5]
 universal): *Rep.* 1.27, 3.8, 3.11, 3.27, 5.4,
 6.19, 6.33; *Leg.* 1.14, 1.17, 1.18, 1.19, 1.20,
 1.23, 1.28, 1.33, 1.34, 1.35, 1.36, 1.40,
 1.41, 1.42, 1.43, 1.44, 1.45, 1.56, 2.2, 2.8,
 2.9, 2.10, 2.11, 2.13, 2.14, 2.61, 2.62, 3.3,
 3.8.2, 3.49
- (d) pontifical law: *Rep.* 4.16; *Leg.* 2.46, 2.48,
 2.52, 2.53, 2.55, 2.57, 2.58
- (e) Twelve Tables: *Rep.* 2.54, 2.61, 2.63, 4.11,
 4.20c; *Leg.* 1.17, 1.55, 1.57, 2.9, 2.18, 2.58,
 2.59, 2.60, 2.61, 2.64, 3.19, 3.44

leader, *dux*: *Rep.* 1.68, 2.4, 6.21; *Leg.* 1.20
 (2x), 1.30, 1.59, 3.23 (2x)

leading (esp. man), chief, *princeps*: *Rep.*
 1.6, 1.25, 1.34, 1.42, 1.43, 1.44, 1.51, 1.52

- (2x), 1.56 (2x), 1.65, 1.66, 1.67, 1.68 (5x), 1.69 (2x), 2.14, 2.16, 2.21, 2.23, 2.26, 2.34, 2.46, 2.55, 2.56, 2.57, 2.62, 6.11, 6.17, 6.21, 6.30, uncertain frag. 13; *Leg.* 1.43, 2.8, 2.10, 2.13, 2.14, 2.21.9, 2.42, 3.14 (2x), 3.19, 3.24, 3.25, 3.28, 3.30, 3.31 (3x), 3.32, 3.34
- learning, education: *See also* educated, teach
doctrina: *Rep.* 1.14, 1.29 (2x), 1.30, 1.50, 2.18, 2.35, 3.5 (3x); *Leg.* 1.30, 1.58, 2.39, 3.14 (2x)
educatio: *Leg.* 3.29, 3.30
- legal: *See* justice (*ius*), law
- leisure, *otium*: *Rep.* 1.1 (3x), 1.6, 1.7 (2x), 1.8, 1.9, 1.14 (3x), 1.52, 1.63, 2.26, 2.43, 3.5; *Leg.* 1.9, 1.10, 3.14
- liberality, *liberalitas*: *Rep.* 1.36, 3.8; *Leg.* 1.43, 1.48 (2x). *See also* freedom
- licentiousness, license, *licentia*: *Rep.* 1.44 (2x), 1.67, 1.68, 3.17, 3.34, 4.2a; *Leg.* 2.36, 2.42
- love (n.), *amor*: *Rep.* 1.1, 2.26, 4.2a (3x); *Leg.* 1.58
- lust, *libido*: *Rep.* 1.60 (3x), 1.63, 1.65, 2.45, 2.59, 2.63, 2.frag. 6, 3.1, 3.21, 3.22 (3x), 4.2a, 6.5, 6.33; *Leg.* 1.51, 2.36, 3.31, 3.34
- magistracy, magistrate, *magistratus*: *Rep.* 1.28, 1.47, 1.63 (2x), 1.66, 1.67 (2x), 2.53, 2.54 (2x), 2.57, 2.61, 2.62, 3.22, 4.20c; *Leg.* 2.31 (2x), 2.66, 2.69, 3.2 (5x), 3.5 (3x), 3.6.2, 3.6.3, 3.6.5, 3.7.3 (2x), 3.9.1, 3.9.3, 3.10.1, 3.10.6, 3.10.7, 3.11.8, 3.12 (3x), 3.13 (2x), 3.15 (2x), 3.16 (2x), 3.27 (2x), 3.33, 3.35, 3.40, 3.43, 3.47 (4x), 3.48 (2x)
- manner: *See* custom
- marketplace: *See* trade
- mastery, master, rule, *dominatus, dominus*: *Rep.* 1.5, 1.27, 1.43, 1.44 (2x), 1.48, 1.50, 1.59, 1.60, 1.61, 1.64, 1.67, 1.69, 2.14, 2.43, 2.44, 2.47 (2x), 2.48, 3.21, 3.22 (2x), 3.35, 3.36, 6.5; *Leg.* 2.15, 2.27, 2.61 (2x), 3.28, 3.34. *See also* domination
- mercenary: *See* trade
- merchandise: *See* trade
- military, *militia*: *Rep.* 2.31, 4.2a; *Leg.* 3.6.4, 3.6.5, 3.8.2, 3.25
- mind, spirit, soul, *animus*: *Rep.* 1.8, 1.9, 1.14 (2x), 1.25, 1.28 (2x), 1.29, 1.37, 1.44, 1.51, 1.59, 1.60 (6x), 2.4, 2.7, 2.26, 2.27, 2.67 (2x), 2.69, 2.frag. 5, 3.1, 3.5 (2x), 3.12, 3.21 (2x), 3.22 (5x), 3.36, 3.frag. 4, 5.7, 5.9, 6.13, 6.14, 6.16, 6.19 (3x), 6.21, 6.28, 6.30, 6.32 (2x), 6.33 (2x); *Leg.* 1.8, 1.9, 1.24 (2x), 1.27, 1.29, 1.30, 1.32, 1.44, 1.47, 1.51, 1.53, 1.59, 1.60, 2.2, 2.3, 2.24 (4x), 2.26, 2.27, 2.28 (2x), 2.38 (3x), 2.39, 2.40, 2.42, 2.43, 2.44, 2.45, 2.68, 3.36, 3.40, frag. 4. *See also* mind (*mens*)
- mind, *mens*: *Rep.* 1.56, 1.67, 2.45, 2.53 (2x), 2.67, 3.1, 3.2, 4.26, 6.19, 6.21 (2x), 6.30; *Leg.* 1.16, 1.18, 1.19, 1.21, 1.23, 1.26, 1.30, 1.31, 1.32, 1.59, 2.8 (2x), 2.10 (2x), 2.11 (2x), 2.15, 2.16 (2x), 2.19.7, 2.26, 2.28, 2.32, 2.41, 3.24, 3.40. *See also* mind (*animus*)
- moderation, temperate, *moderatio, modestus*: *Rep.* 1.43, 1.45, 1.52, 1.65, 1.66, 1.69, 2.55, 2.65, 2.69 (2x), 2.frag. 5; *Leg.* 1.56, 2.6, 3.5, 3.6.1, 3.10.9, 3.12, 3.17, 3.28, 3.40 (2x). *See also* director
- money: *See also* opulent, property, rich, wealth
aes: *Rep.* 2.40, 6.9
pecunia: *Rep.* 2.16, 2.34, 2.38; *Leg.* 2.41, 2.48, 2.49 (2x), 2.51 (3x), 2.53 (2x), 3.6.5
- morals: *See* custom
- motion, speed, unrest, *motus*: *Rep.* 1.14, 1.22 (2x), 2.45, 3.2, 6.21, 6.22 (2x), 6.31 (3x), 6.32
- multitude, *multitudo*: *Rep.* 1.9, 1.39, 1.41, 1.42, 1.43, 1.44, 1.52, 1.65, 1.69, 2.39 (2x), 3.4, 3.35 (3x), 3.36, 6.9; *Leg.* 1.43, 1.47, 3.17, 3.26. *See also* people
- musician, *musicus*: *Rep.* 2.18, 2.69; *Leg.* 2.39, 3.32. *See also* song
- nation:
gens: *Rep.* 1.2, 1.26, 1.56, 1.58, 2.23, 2.36, 3.4, 3.9 (3x), 3.10, 3.27; *Leg.* 1.24, 1.30, 2.33, 2.42, 3.3, 3.4
natio: *Leg.* 1.32 (2x), 2.33
- natural abilities: *See* talent
- nature, *natura*: *Rep.* 1.1, 1.3, 1.4 (2x), 1.15, 1.22, 1.25, 1.27, 1.28, 1.39, 1.47, 1.51, 1.56, 2.30, 2.45, 2.57 (2x), 2.66, 3.1, 3.3, 3.4 (2x), 3.5, 3.8 (2x), 3.11 (5x), 3.17, 3.21, 3.27 (2x), 3.32, 3.33, 5.4, 5.9, 6.16, 6.22, 6.31, 6.32 (2x), uncertain frag. 5; *Leg.* 1.2, 1.16 (2x), 1.17 (2x), 1.18, 1.19, 1.20, 1.21 (2x), 1.22, 1.23, 1.24, 1.25 (3x), 1.26 (2x), 1.27, 1.28, 1.31 (3x), 1.33 (5x), 1.34 (2x), 1.35 (2x), 1.36, 1.40 (2x), 1.41 (2x), 1.42, 1.43 (2x), 1.44 (4x), 1.45 (5x), 1.46 (6x), 1.47 (2x), 1.49, 1.51, 1.54, 1.56 (3x), 1.59, 1.60, 1.61 (2x), 2.2 (2x), 2.5, 2.8, 2.10, 2.13, 2.16, 2.29, 2.59, 2.61, 2.62, 2.67, 3.3 (2x), 3.49, frag. 3 (2x)
- necessity, *necessitas*: *Rep.* 1.1 (2x), 1.10 (2x), 1.11 (3x), 1.25, 1.27, 1.52, 1.53, 1.67, 2.10, 2.22, 3.2, 3.16 (2x), 3.33, 6.2, 6.27, 6.31 (3x); *Leg.* 1.14 (2x), 1.19, 1.26, 1.34, 1.46 (2x), 1.52, 2.5, 2.12, 2.18, 2.23, 2.31, 2.55, 3.1, 3.5, 3.17, 3.26, 3.41, 3.46

- noble, renowned, *nobilis*: *Rep.* 1.3, 1.21, 1.31, 1.51, 2.46, 2.56, 2.61, 2.62, 3.35, 4.2a, 4.13; *Leg.* 3.32, 3.35
- oath: *See* justice (*ius*)
- observe: *See* contemplate
- opinion:
opinio: *Rep.* 1.51, 1.70, 2.17, 3.3, 3.13; *Leg.* 1.28, 1.29, 1.32, 1.45 (3x), 1.46 (2x), 1.47, 2.16, 2.26 (2x), 2.43
sententia: *Rep.* 1.42, 1.69, 2.35; *Leg.* 1.20, 1.21, 1.44, 2.8, 2.15, 2.16, 2.24, 3.26, 3.33, 3.34, 3.40, 3.42
videri: *Rep.* 1.36
- opulent, *locuples*: *Rep.* 1.21, 2.15, 2.16, 2.39, 2.40, 2.44, 3.9, 5.2; *Leg.* 2.59. *See also* money, property, rich, wealth
- orb: *See* cycle
- pain, *dolor*: *Rep.* 5.7; *Leg.* 1.31, 1.39, 1.55, 1.60, 2.43
- patricians, *patres*: *Rep.* 2.23, 2.63; *Leg.* 2.6, 2.57. *See also* Fathers
- payment: *See* trade
- peace, *pax*: *Rep.* 1.48, 1.63 (2x), 2.6, 2.14, 2.26, 2.27, 4.21, 5.3
- penalty, *poena*: *Rep.* 1.3, 2.45, 2.54, 3.3, 3.11 (2x), 3.12, 3.27, 3.33 (3x); *Leg.* 1.40 (3x), 2.22.6 (2x), 2.22.10, 2.25, 2.40, 2.41, 2.43 (2x), 2.44 (2x), 2.64, 2.66, 2.68, 3.6.3, 3.11.12, 3.46
- people, popular, populist, *populus*: *Rep.* 1.7, 1.25, 1.31 (2x), 1.32, 1.39 (2x), 1.41 (3x), 1.42 (3x), 1.43 (4x), 1.44 (2x), 1.45, 1.47 (2x), 1.48 (5x), 1.49 (3x), 1.50 (3x), 1.51, 1.52 (4x), 1.53 (3x), 1.55 (2x), 1.62 (4x), 1.63 (2x), 1.64, 1.65 (3x), 1.66, 1.67, 1.68 (5x), 1.69, 2.3, 2.12, 2.14, 2.20, 2.21, 2.23, 2.24, 2.25 (2x), 2.30, 2.31 (4x), 2.33, 2.35 (2x), 2.36, 2.37, 2.38, 2.39 (3x), 2.42, 2.43 (2x), 2.47 (2x), 2.49, 2.50 (2x), 2.52, 2.53 (2x), 2.54, 2.55 (2x), 2.56 (4x), 2.57 (2x), 2.59, 2.60 (2x), 2.61, 2.62, 2.63 (2x), 2.66 (2x), 2.frag. 5, 3.5, 3.14, 3.17 (3x), 3.18 (4x), 3.22, 3.26, 3.27, 3.35 (13x), 3.36 (5x), 4.2a, 4.12, 4.14, 4.15, 4.20b, 4.23, 5.3, 6.15, 6.28; *Leg.* 1.12, 1.14 (3x), 1.17 (2x), 1.19 (2x), 1.37, 1.42 (2x), 1.43, 1.57, 1.62, 2.5, 2.8, 2.9 (3x), 2.11 (3x), 2.13 (3x), 2.20.5, 2.21.1, 2.21.2, 2.21.11, 2.22.2, 2.30, 2.31, 2.33, 2.35 (2x), 3.2, 3.4, 3.6.2, 3.6.3, 3.7.3 (3x), 3.8.1, 3.8.2, 3.9.2, 3.9.3, 3.9.4 (2x), 3.10.6, 3.10.7, 3.10.8 (2x), 3.10.9, 3.11.2, 3.11.3, 3.11.8 (2x), 3.11.10, 3.14, 3.17, 3.23 (2x), 3.26 (4x), 3.27 (4x), 3.28, 3.31, 3.33, 3.34 (4x), 3.35 (2x), 3.37 (3x), 3.38, 3.39 (3x), 3.40, 3.41, 3.42 (2x), 3.44, 3.48, 3.49. *See also* multitude
- perish: *See* death
- persuade, *persuadere*: *Rep.* 1.3, 1.28; *Leg.* 1.62, 2.14, 2.15, 2.23
- philosopher, *philosophus*: *Rep.* 1.2, 1.3 (2x), 1.12; *Leg.* 1.11, 1.36, 1.50, 1.53, 2.14, 3.26. *See also* philosophize, philosophy
- philosophize, *philosophari*: *Rep.* 1.30. *See also* philosopher, philosophy
- philosophy, *philosophia*: *Leg.* 1.17, 1.58. *See also* philosopher, philosophize
- piety, *pietas*: *Rep.* 1.2, 2.31, 3.9, 6.16, 6.19, 6.20; *Leg.* 1.40 (3x), 1.43, 1.63, 2.15 (3x), 2.19.1, 2.19.7, 2.22.1, 2.22.8, 2.25, 2.26 (2x), 2.28, 2.37, 2.41, 2.42 (2x), 2.54, 2.68, 3.19. *See also* holy
- plan: *See* deliberation
- pleasure, *voluptas*: *Rep.* 1.1, 1.3, 2.59, 2.frag. 6, 3.18, 6.33 (2x), uncertain frag. 8; *Leg.* 1.31, 1.39, 1.47, 1.52, 1.60
- plebeians, *plebs*: *Rep.* 1.62, 2.16, 2.58 (2x), 2.59 (2x), 2.61, 2.62, 2.63, 3.9, 3.36; *Leg.* 2.31, 2.59, 3.9.6 (3x), 3.10.6, 3.10.8 (2x), 3.18, 3.19, 3.20, 3.22, 3.23, 3.24 (2x), 3.25 (2x), 3.38, 3.44
- poem:
carmen: *Rep.* 1.56, 4.20c; *Leg.* 2.7
poema: *Rep.* 1.22, 2.18, 4.20b, 4.20c; *Leg.* 1.1 (2x), 1.3, 1.4, 1.5, 1.33, 1.47, 2.36, 2.37
- political community: *See* city (*civitas*)
- pontifex, *pontifex*: *Rep.* 2.26, 2.54, 4.16, uncertain frag. 9; *Leg.* 1.6, 2.20.3, 2.22.7, 2.29 (2x), 2.46, 2.47 (3x), 2.48, 2.49, 2.50, 2.52 (8x), 2.53 (2x), 2.55, 2.57, 2.58 (2x). *See also* priest
- power, *potestas*: *Rep.* 1.10, 1.43, 1.44, 1.45, 1.47, 1.48, 1.63, 2.15, 2.23, 2.24, 2.39, 2.43 (2x), 2.49, 2.50 (3x), 2.51, 2.56, 2.57, 2.61 (2x), 3.17, 3.18, 3.35 (4x); *Leg.* 1.21, 1.23, 1.44, 2.31, 2.50, 3.4 (2x), 3.6.2, 3.7.3, 3.8.1, 3.9.4, 3.10.3, 3.11.4, 3.11.11, 3.17, 3.19 (2x), 3.22 (2x), 3.23 (2x), 3.24 (2x), 3.25, 3.26, 3.27, 3.28, 3.37, 3.39, 3.48
- practice: *See* training
- praetor, *praetor*: *Leg.* 1.17, 1.53, 3.8.1, 3.8.2, 3.10.8
- precept: *See* instruction
- priest, *sacerdos*: *Leg.* 2.19.10, 2.20.1, 2.20.3, 2.20.4, 2.22.1, 2.25, 2.29, 2.30, 2.37. *See also* pontifex
- private, *privatus*: *Rep.* 1.8, 1.67 (4x), 1.68 (2x), 2.46 (2x), 2.59, 2.60, 3.18, 3.33, 4.12, 5.3 (3x); *Leg.* 2.19.4, 2.20.4, 2.22.13, 2.30, 2.45, 2.58, 2.61, 3.8.1, 3.11.8, 3.11.14, 3.16, 3.43, 3.44

property: *See also* money, opulent, rich, wealth
fortunae: *Rep.* 2.34
pecunia: *Rep.* 1.48, 3.10 (2x); *Leg.* 1.52, 2.49 (2x), 2.50 (2x), 2.52, 2.53
res: *Rep.* 2.16, 2.59, 3.15, 3.25; *Leg.* 2.45, 2.48, 2.51, 3.9.5
 protect, *tueri*: *Rep.* 1.11, 1.52 (2x), 1.65, 2.51 (2x), 2.59 (2x), 3.8, 6.17, 6.19; *Leg.* 1.62, 2.9, 2.13, 2.27, 2.61, 2.66, frag. 1. *See also* contemplate
 provide: *See* foresight
 prudence, *prudencia*: *Rep.* 1.18, 1.38, 1.58, 1.70, 2.23, 2.45, 2.61, 2.67 (2x), 3.5, 3.9, 3.14, 6.1; *Leg.* 1.19 (2x), 1.45, 1.54, 1.57, 1.60, 3.5, 3.45. *See also* foresight
 public affairs, public life, public matters: *See after* republic
 reason, *ratio*: *Rep.* 1.4, 1.13, 1.15 (2x), 1.25, 1.60, 2.22, 2.57 (2x), 2.66, 2.69, 3.14, 3.18, 3.21, 3.27, 3.35, 3.36, 6.22; *Leg.* 1.18 (2x), 1.19, 1.21, 1.22 (3x), 1.23 (4x), 1.26, 1.27, 1.30, 1.33 (4x), 1.42, 1.45, 2.8 (3x), 2.10 (4x), 2.16 (6x), 2.53, 3.22
 regal: *See* king
 reign: *See* king
 religion, *religio*: *Rep.* 1.2, 2.26 (2x), 2.27 (2x), 5.3; *Leg.* 1.43, 1.60, 2.15, 2.16, 2.17, 2.23, 2.25 (2x), 2.26 (3x), 2.27 (2x), 2.29, 2.30 (3x), 2.31, 2.34 (2x), 2.37, 2.40, 2.41, 2.42 (3x), 2.43, 2.47, 2.51, 2.55 (3x), 2.57 (2x), 2.58 (2x), 2.67, 2.69 (2x), 3.1, 3.13, 3.31, 3.48. *See also* superstition
 republic, *res publica*: *Rep.* *passim*; *Leg.* 1.15 (2x), 1.20, 1.37, 1.39, 2.5, 2.6, 2.14 (3x), 2.23 (5x), 2.30, 2.31, 2.32, 2.33 (2x), 2.66, 2.69, 3.4 (2x), 3.5, 3.12 (3x), 3.13, 3.14 (3x), 3.18 (2x), 3.19, 3.20 (2x), 3.21, 3.25, 3.26, 3.28, 3.32, 3.34, 3.36 (2x), 3.37, 3.41 (2x), 3.42, 3.43 (3x), 3.46, 3.47, 3.48
 other translations of *res publica*:
 (a) public affairs: *Rep.* 1.12, 2.1
 (b) public life: *Rep.* 1.9, 1.12, 4.21
 (c) public matters: *Rep.* 2.16
 resolution, *scitum*: *Rep.* 1.43; *Leg.* 1.43, 2.8, 2.11 (2x), 3.44
 respectable man, *bonus*: *Rep.* 1.7, 1.31, 1.68, 3.36, 4.15, 6.4, 6.16; *Leg.* 3.20, 3.24, 3.34 (2x), 3.35 (3x), 3.38, 3.39 (2x). *See also* aristocrats, best man
 revolution:
circuitus: *Rep.* 1.45, 2.45, 6.16
conversio: *Rep.* 1.22 (2x), 1.69, 6.22, 6.23; *Leg.* 1.24
 reward, *praemium*: *Rep.* 1.27, 3.12, 3.31, 6.12 (2x), 6.29, 6.30; *Leg.* 1.48 (2x), 1.49

rich: *See also* money, opulent, property, wealth
copiosus: *Rep.* 1.51
dives: *Rep.* 1.28, 1.48 (2x), 1.51, 2.45, 3.17, 3.18 (2x), 3.29; *Leg.* 1.55, 2.25
 right: *See* justice (*ius*)
 rods, *fascis*: *Rep.* 1.62, 2.31, 2.53, 2.55
 royal: *See* king
 rule: *See* domination, law (*lex*), mastery
 sacred grove, *lucus*: *Leg.* 1.1, 2.19.5, 2.27
 sacred rite, *sacrum*: *Rep.* 2.13, 2.26, 2.27; *Leg.* 2.3, 2.19.8, 2.20.5, 2.21.12, 2.22.1, 2.22.13, 2.25, 2.30 (2x), 2.35, 2.37, 2.45, 2.47 (3x), 2.48 (2x), 2.49, 2.50 (2x), 2.51 (2x), 2.52 (2x), 2.53 (2x), 2.55, 3.48
 sacred zone: *See* temple
 safety, health, salvation, salutary, *salus*: *Rep.* 1.1 (3x), 1.7, 1.51 (2x), 1.63, 2.11, 2.16, 2.43, 2.59, 3.24, 5.2, 6.16, 6.21, 6.33; *Leg.* 1.5, 1.31, 1.44, 1.62, 2.3, 2.11, 2.13, 2.16, 2.21.1, 2.28, 3.8.2, 3.11.6, 3.24, 3.25, 3.26, 3.35, 3.42
 salutary: *See* safety
 salvation: *See* safety
 sanctuary: *See* temple
 secession, *secessio*: *Rep.* 1.62
 sedition, *seditio*: *Rep.* 1.31, 1.60, 2.59, 4.20b, 6.3; *Leg.* 3.19 (2x), 3.24, 3.35, 3.42 (2x), 3.44
 self-control, *continentia*: *Rep.* 1.2; *Leg.* 1.50, 3.30
 senate, senator, *senatus*: *Rep.* 1.15, 1.31 (2x), 1.32, 2.15, 2.17, 2.23, 2.43, 2.50, 2.56 (2x), 2.59 (2x), 2.61, 2.67, 3.14, 3.27, 3.36 (2x), 4.1, 6.16; *Leg.* 2.14, 2.20.5, 2.21.8, 2.37, 2.42, 3.6.5, 3.7.3, 3.8.1, 3.9.2, 3.9.4, 3.10.2, 3.11.1 (2x), 3.18 (2x), 3.27 (2x), 3.28 (2x), 3.29, 3.40 (5x), 3.41 (2x), 3.42. *See also* Fathers
 service, task:
gratia: *Leg.* 1.43, 1.49
munus: *Rep.* 1.11, 1.12, 1.27, 1.33, 1.70, 1.71, 2.57, 2.69, 3.36 (2x), 5.3, 5.4, 6.19; *Leg.* 1.5, 1.7, 1.10, 1.14 (3x), 1.16, 2.6, 3.18
 shame, decency:
flagitium: *Rep.* 4.20a, 4.20c; *Leg.* 1.62
pudor: *Rep.* 1.2, 1.67, 3.3, 3.14; *Leg.* 1.7, 1.50 (3x), 2.28
verecundia: *Rep.* 3.3, 4.2a, 4.4; *Leg.* 1.50 (2x)
 slavery, *servitus*: *Rep.* 1.43, 1.47, 1.52, 1.67 (2x), 1.68 (3x), 2.37, 2.46, 3.15 (2x), 3.22 (2x), 3.23; *Leg.* 1.39, 2.29, 2.60, 3.25 (2x), 3.45 (2x)
 song, *cantus*: *Rep.* 2.69 (2x), 4.20c, 6.22; *Leg.* 1.11, 2.22.2, 2.38 (3x), 2.62 (2x), 3.32. *See also* musician

- soul: *See* mind (*animus*)
 speaking: *See* conversation
 speech, *oratio*: *Rep.* 1.2, 1.3 (2x), 1.11, 1.24, 1.37 (2x), 1.38 (2x), 1.56, 1.57 frag., 1.62, 1.70 (2x), 2.1 (2x), 2.3, 2.22, 2.45, 2.51, 2.55, 2.64 (3x), 2.66, 3.7, 3.19, 3.35, uncertain frag. 9; *Leg.* 1.7, 1.10, 1.11, 1.19, 1.27, 1.30, 1.34, 1.37, 1.48, 1.52, 1.62, 2.2, 2.17, 2.34, 2.69, 3.1, 3.29, 3.40. *See also* conversation
 speed: *See* motion
 spirit: *See* mind (*animus*)
 star:
 astrum: *Rep.* 1.22, 5.4, 6.28 (2x); *Leg.* 2.16
 flamma: *Rep.* 6.20
 sidus: *Rep.* 3.2, 6.19
 stella: *Rep.* 6.15, 6.20 (2x), 6.21, 6.22, 6.28
 study, eagerness, enthusiasm, *studium*: *Rep.* 1.1, 1.3, 1.4, 1.7, 1.13, 1.15, 1.16 (2x), 1.17 (2x), 1.29, 1.30 (3x), 1.36, 1.37, 1.50, 1.54, 1.64, 1.frag. 2, 2.1 (2x), 2.25, 2.27, 2.37, 3.5 (2x), 5.4 (2x), 6.22; *Leg.* 1.5, 1.13, 1.40, 1.63, 2.3, 2.4, 2.14, 2.39, 3.14 (2x), 3.43
 suffrage: *See* vote
 sun, *sol*: *Rep.* 1.15 (2x), 1.17, 1.19, 1.20, 1.22 (4x), 1.23, 1.25 (5x), 1.31, 1.32, 2.17, 6.13, 6.16, 6.21 (2x), 6.23, 6.25, 6.26, 6.28 (3x); *Leg.* 3.14, frag. 2. *See also* sunny
 sunny, *apricus*: *Rep.* 1.18. *See also* sun
 superstition: *See also* religion
 religio: *Rep.* 1.23, 1.24
 superstitio: *Leg.* 1.32, 2.40, 2.45
 talent, character, intellect, natural abilities, *ingenium*: *Rep.* 1.8, 1.22, 1.30, 1.37, 1.49, 1.58, 2.2 (3x), 2.4, 2.20, 2.37, 2.46, 2.frag. 10, 3.1, 3.5, 3.8, 4.20c, 6.16, 6.22; *Leg.* 1.1, 1.26, 1.45, 1.46 (2x), 1.59, 1.60, 2.8, 2.16, 2.46, 3.45
 task: *See* service
 teach, *docere*: *Rep.* 1.3, 1.11, 1.13, 1.23 (2x), 1.25 (2x), 1.34, 1.56, 1.70, 2.1, 2.26, 2.46, 4.6; *Leg.* 1.20, 1.26, 1.27, 1.38, 1.58, 2.8, 2.11, 2.21.9, 2.33, 2.47 (2x), 2.49, 3.11.8 (2x), 3.40. *See also* educated, learning
 teaching: *See* training
 temperance, *temperantia*: *Leg.* 1.50. *See also* balance
 temperate: *See* moderation
 tempering: *See* balance
 temple, sacred zone, sanctuary:
 aedes: *Rep.* 2.36; *Leg.* 2.58 (2x)
 fanum: *Rep.* 3.9 (2x); *Leg.* 2.26, 2.28, 2.41, 2.45 (2x)
 templum: *Rep.* 1.21, 3.35, 6.19 (2x), 6.21, 6.28; *Leg.* 1.3, 2.21.4, 2.26 (2x), 2.28, 2.42
 trade, marketplace, merchandise, payment, commodity, mercenary, *mercatura*: *Rep.* 2.7 (2x), 2.9, 2.27, 3.28 (3x), 3.frag. 5 (2x); *Leg.* 1.48 (2x), 1.49, 3.21
 training, teaching, discipline, practice, *disciplina*: *Rep.* 1.2, 1.50, 1.70, 1.frag. 1, 2.7, 2.30, 2.34 (3x), 2.58, 2.64, 3.3, 3.5, 4.1, 4.2a, 4.4; *Leg.* 1.17, 1.57, 2.20.6, 2.21.9, 2.32 (2x), 2.33, 2.48, 3.29, 3.30
 trial: *See* court of law
 tribe, *tribus*: *Rep.* 2.14, 2.16, 4.22; *Leg.* 3.7.3, 3.44, 3.45
 tribune (of the plebeians), *tribunus*: *Rep.* 1.31, 2.58, 2.59, 2.61, 2.62; *Leg.* 3.9.6 (2x), 3.10.8, 3.16 (3x), 3.18, 3.19, 3.20 (3x), 3.21 (3x), 3.22 (2x), 3.23 (2x), 3.24, 3.25 (2x), 3.26, 3.44
 trust, fidelity, faithful, *fides*: *Rep.* 1.2, 1.15, 1.49, 1.55, 2.18, 2.26, 2.61, 3.7, 3.13 (2x), 3.14, 3.24, 4.10, 4.28; *Leg.* 2.19.7, 2.28, 2.34, 3.11.13
 truth, *veritas*: *Rep.* 3.5, 3.7, 3.27, 5.1; *Leg.* 1.3 (2x), 1.4 (3x), 1.5, 1.45, 1.47, 1.62, 2.10, 2.11 (2x), 2.16 (2x), 2.33, 2.43, 2.63
 tyrant, *tyrannus*: *Rep.* 1.45, 1.50 (2x), 1.65 (2x), 1.66, 1.68 (6x), 2.34, 2.47, 2.48, 2.49, 2.51, 3.17, 3.35 (3x); *Leg.* 1.42 (2x)
 umpire, *disceptator*: *Rep.* 3.27, 5.3; *Leg.* 3.8.1, 3.9.2
 unequal, *impar*: *Rep.* 6.22. *See also* equal
 unfair, *iniquus*: *Rep.* 1.42, 1.43, 1.53 (2x), 2.63; *Leg.* 3.23. *See also* equal, fair
 unite, *sociare*: *Rep.* 1.39, 2.13, 3.2, 6.17; *Leg.* 1.23, 1.32. *See also* fellowship
 universe, *mundus*: *Rep.* 1.19, 1.56, 3.9, 3.33, 6.17, 6.21, 6.22, 6.23, 6.30 (2x); *Leg.* 1.23, 1.61, 2.8, 2.16, 2.26, 2.32, 3.3 (3x), frag. 3
 unjust: *See* injustice
 unrest: *See* motion
 usefulness: *See* advantage
 vice, defect, fault, *vitium*: *Rep.* 1.44 (2x), 1.48, 1.49, 1.69 (2x), 2.9 (2x), 2.10, 2.43, 2.47, 3.15, 3.21, 3.22, 3.35, 3.36, 3.frag. 6a, 5.1; *Leg.* 1.33, 1.38, 1.44, 1.45, 1.46, 1.50, 1.51 (4x), 1.58, 2.19.7, 2.21.5, 2.28 (2x), 2.38, 2.45, 3.10.4, 3.15, 3.18, 3.23 (2x), 3.27, 3.28 (2x), 3.29 (2x), 3.30, 3.32 (2x), 3.34, 3.46
 virtue, *virtus*: *Rep.* 1.1 (2x), 1.2 (2x), 1.12, 1.16, 1.21, 1.25, 1.33, 1.41, 1.51 (3x), 1.52, 2.17, 2.20, 2.24, 2.29, 2.46, 2.59, 3.5 (2x), 3.7, 3.8, 3.11, 3.28 (3x), 3.31, 5.2, 5.7, 5.9, 6.12 (2x), 6.29; *Leg.* 1.25 (2x), 1.30, 1.34,

- 1.38, 1.44, 1.45 (4x), 1.46, 1.48 (2x), 1.49 (4x), 1.51, 1.52 (3x), 1.56 (2x), 1.58, 1.60 (2x), 2.19.7, 2.28 (2x), 2.58 (2x), 2.60, 3.36 (2x)
- vote, *suffrage*, *suffragium*: *Rep.* 1.47, 2.35, 2.39 (3x), 2.40 (2x), 4.1; *Leg.* 1.43, 1.44, 3.10.6 (2x), 3.33 (3x), 3.34 (2x), 3.36, 3.38 (2x), 3.39 (3x), 3.44
- war, *bellum*: *Rep.* 1.1, 1.18, 1.25, 1.38, 1.48, 1.63 (2x), 2.13, 2.15, 2.25, 2.26 (2x), 2.27, 2.31 (2x), 2.33, 2.36 (3x), 2.38, 2.44, 2.56, 2.63, 3.9, 3.24, 3.25 (3x), 3.35, 4.20b, 4.21, 5.3, 6.15 (2x); *Leg.* 2.21.2, 2.21.7, 2.34, 2.45 (2x), 2.60, 3.6.4, 3.9.2, 3.9.4
- weakness, *imbecillitas*: *Rep.* 1.39, 1.48, 1.51, 3.16, 3.17, 3.22; *Leg.* 1.29, 1.41
- wealth: *See also* money, opulent, property, rich
opes: *Rep.* 1.48, 1.51, 3.13; *Leg.* 2.19.1, 2.25
pecunia: *Rep.* 1.47, 1.49, 2.59; *Leg.* 3.7.3 (2x), 3.46
- wickedness, *improbitas*: *Rep.* 1.7, 1.9, 3.7, 3.12, 3.13 (2x), 3.27, 4.20b; *Leg.* 1.40, 1.62 (2x), 2.13, 2.41, 3.26, 3.35
- will:
arbitrium: *Rep.* 1.42, 3.17
voluntas: *Rep.* 1.11, 1.43, 1.47, 1.64 (as goodwill), 1.67, 1.69, 2.38 (as goodwill), 2.50, 3.2 (as wish), 3.8 (2x), 3.17, 3.34; *Leg.* 1.34 (*benevolentia* as goodwill), 1.35 (*benevolentia* as goodwill), 1.43, 3.39, 3.40
- wisdom, *sapientia*: *Rep.* 1.3, 1.9 (2x), 1.10, 1.11 (3x), 1.12, 1.13, 1.15, 1.19, 1.27, 1.28, 1.33, 1.36, 1.42, 1.43, 1.45, 1.63, 1.65, 2.4, 2.11, 2.24, 2.30, 2.31, 2.43, 2.51, 2.54, 2.59, 2.63, 3.4 (3x), 3.8, 3.9, 3.12, 3.15, 3.16 (2x), 3.18 (4x), 3.22, 3.36, 4.1, 4.23, 6.12, uncertain frag. 7; *Leg.* 1.22, 1.34, 1.36, 1.58, 1.59 (2x), 1.62 (2x), 2.3, 2.5, 2.8 (3x), 2.11, 2.26, 2.39, 2.56, 2.62, 2.63, 3.4, 3.12, 3.17, 3.24, 3.26, 3.42, 3.48
- wretchedness, *miseria*: *Rep.* 1.4, 1.9, 1.60, 2.frag. 2, 3.13, 3.17; *Leg.* 1.32, 1.51, 2.43
- wrong: *See* injustice

